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B I L L S,

PUBLIC:

SEVEN VOLUMES.

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— (6.) —

RAILWAY CONSTRUCTION FACILITIES ACT AMENDMENT  
TO  
SUPREME COURT OF JUDICATURE (DISTRICT COURTS).

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SESSION 1.—5 *February* 1880—24 *March* 1880.

SESSION 2.—29 *April* 1880—7 *September* 1880.

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VOL. VI.

✓ 1880.

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*Summer fund.*



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A

# B I L L

TO

Amend the Railway Construction Facilities Act.

A.D. 1880.

**W**HEREAS by clauses fourteen, fifteen, sixteen, and seventeen of the Railways Construction Facilities Act (27 & 28 Vict. c. 121.), it has been necessary for the Board of Trade to lay before both Houses of Parliament a draft of the certificate which it is empowered to grant in certain cases for the construction of railways :

And whereas it is desirable to remove obstacles to the construction of certain railways in Ireland during the present and coming year :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. *During the years one thousand eight hundred and eighty and one thousand eight hundred and eighty-one*, the Board of Trade may, if Parliament is not sitting, when the Board has settled the draft certificate referred to in clauses eleven, twelve, and thirteen of the Railway Construction Act (27 & 28 Vict. c. 121.), at once issue the certificate referred to in clauses seventeen and eighteen of the Railways Construction Facilities Act for any Irish railways now scheduled in the Relief of Distress (Ireland) Act, and it shall not be necessary to refer to either House of Parliament or to lay a draft of such certificate before either House of Parliament.

Issue of certificate when Parliament is not sitting.

2. If Parliament is sitting when the draft certificate is settled by the Board of Trade, such draft certificate shall be laid before both Houses of Parliament for *two weeks* instead of six weeks as specified in clause sixteen of the Railway Construction Facilities Act (27 & 28 Vict. c. 121.), and if neither House of Parliament within the period of *two weeks* thinks fit to resolve that the

Issue of certificate when Parliament is sitting.

[Bill 293.]

A.D. 1880.

certificate ought not to be made, then as soon as the period of *two weeks* after the laying of the draft certificate before both Houses of Parliament has expired, the Board of Trade may make and issue a certificate in conformity with such draft.

Award of  
borrowing  
powers to  
railway  
companies.

3. The Board of Trade may in its certificate award for 5 any railway scheduled in the schedule of the Relief of Distress (Ireland) Act such borrowing powers as the Board of Trade may consider expedient, and such borrowing powers shall be the borrowing powers of the Company, anything to the contrary notwithstanding.

10

Extent of  
Act.

4. This Act shall extend to Ireland only.

Duration of  
Act.

5. This Act shall expire on the *thirty-first day of December one thousand eight hundred and eighty-one.*



**Railway Construction  
Facilities Act Amend-  
ment.**

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A

**B I L L**

To amend the Railway Construction  
Facilities Act.

*(Prepared and brought in by  
Major Nolan, Mr. Mitchell-Henry, and  
Captain O'Shea.)*

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*Ordered, by The House of Commons, to be Printed,  
29 July 1880.*

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[Bill 293.]

*Under 1 oz.*



# Registration of Voters (Ireland) Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

1. Definition of "principal Act" and of "Registration Acts."
2. Extent.
3. Short title.
4. Grounds of objection to be stated in notice.
5. Evidence required only so far as ground stated.
6. Each ground of objection to be treated as a separate objection.
7. Costs to be awarded not to exceed 5*l*.
8. Poor rate collectors to enter objections on list.
9. Sixty-seventh section of "principal Act" to apply to poor rate collectors.
10. Poor rate collectors to attend revision courts and subscribe oath.
11. Remuneration of poor rate collectors.
12. Power to enforce attendance of witnesses.
13. Revision courts to be held at polling stations, unless Lord Lieutenant otherwise directs.
14. Register to contain post towns.
15. Notices to be posted at churches.
16. Precepts, &c. to be made conformable.

SCHEDULE A.—Form of notice of objection.

SCHEDULE B.—Oath to be taken by certain persons.



A  
B I L L

TO

Amend the Law relating to the Registration of Voters in A.D. 1880.  
Ireland.

**W**HEREAS it is expedient to assimilate the law relating to the registration of parliamentary voters in England and in Ireland, and it is expedient to provide the same remedies against making frivolous objections to persons acquiring the franchise in counties  
5 as has already been provided in England :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

10 *Preliminary.*

1. "Principal Act" shall mean the Act passed in the session of the thirteenth and fourteenth years of Her present Majesty, chapter sixty-nine, as amended by the "Registration Acts." "Registration Acts" in this Act shall mean the Act of the thirteenth and four-  
15 teenth years of Her present Majesty, chapter sixty-nine, and all other Acts or parts of Acts relating to the registration or qualification of persons entitled to vote at the election of members to serve in Parliament for Ireland as amended by this Act.

2. This Act shall apply to Ireland only, but shall not extend to  
20 the borough of the University of Dublin.

3. This Act may be cited for all purposes as the Registration  
of Voters (Ireland) Act, 1880.

*Prevention of frivolous Objections.*

4. A notice of objection given under section twenty-six of the  
25 "principal Act" to any person upon any list of voters shall not be valid unless the ground or grounds of objection be specifically stated therein ; and this provision shall be deemed to be sufficiently

[Bill 54.]

A 2

Definition of  
"principal  
Act" and of  
"Registration  
Acts."

Extent of  
Act.

Short title.

Notices of  
objection  
shall state  
grounds of  
objection.  
See  
28 & 29 Vict.  
c. 36. s. 6.

A.D. 1880.

—

Person objected to only required to give evidence in support of his right so far as ground of objection stated.

28 & 29 Vict. c. 36. s. 7.

Each ground of objection to be treated as a separate objection, and costs awarded.

13 & 14 Vict. c. 69. s. 62.

28 & 29 Vict. c. 36. s. 8.

Costs to be awarded not to exceed 5*l*.  
28 & 29 Vict. c. 36. s. 14.  
13 & 14 Vict. c. 69. s. 62.

Poor rate collectors to enter objections on list.

13 & 14 Vict. c. 69. s. 20.

satisfied by naming the column or columns of the register on which the objector grounds his objection, and any objection grounded upon any one of the said columns shall be deemed a separate ground of objection, and such notice may be according to the form in the schedule to this Act annexed, or to the like effect, in substitution 5 for the form numbered (12) in Schedule (A.) to the principal Act.

5. No person objected to by a notice under the said section of the principal Act, as amended by this section, shall be required to give evidence before the county court judge, chairman, or revising barrister in support of his right to be registered otherwise than as 10 such right is called in question in the ground or grounds of objection specified in the notice.

6. Every separate ground of objection in any notice given in accordance with this Act shall be treated by the county court judge, chairman, or revising barrister as a separate objection; and 15 for every such ground of objection which, in the opinion of the county court judge, chairman, or revising barrister, has been groundlessly or frivolously or vexatiously stated, he shall, on the application of the person objected to, or anyone on his behalf, and upon the production of the notice of objection, award costs against 20 the objector to the amount of at least *two shillings and sixpence*, and this though the name of the person objected to be expunged upon some other ground of objection stated in the same notice of objection.

7. The sum ordered to be paid by way of costs shall not upon 25 any one vote exceed the sum of "*five pounds*," and the sixty-second section of the principal Act shall be read as if the words "*five pounds*" had been substituted therein for the words "twenty shillings."

### Miscellaneous.

30

8. The clerk of each poor law union wholly or in part within the limits of any county in Ireland, after he shall have made out the supplemental list in the twentieth section of the "principal Act" mentioned and directed to be made out, but before transmitting the same to the clerk of the peace of the county as in said section is 35 mentioned, shall deliver such supplemental list to the respective collector or collectors of poors rate for such respective barony or division of a barony; and such collector or collectors shall upon such list enter objections before the names of persons in such supplemental list contained, and not entitled to be on the register 40



next to be made, in like manner in all respects and in the like cases as in the nineteenth section of the principal Act is directed and required with regard to the copy of register of such barony or division of a barony, and such respective poor rate collector or  
 5 collectors shall return such lists to the clerk of the union in sufficient time to enable such clerk of the union to deal with said list, as is directed by the twentieth section of the said principal Act.

9. The provisions of the sixty-seventh section of the "principal Act" shall apply to all poor rate collectors as fully as the same  
 10 apply to any clerk of the peace or town clerk. Nothing in this Act contained shall be deemed or construed to relieve any clerk of the peace, clerk of a union, or other person from any obligation or duty imposed on him by any of the Registration Acts now in force.

Certain provisions of the 13 & 14 Vict. c. 67 to apply to poor rate collectors.

10. In each court of revision holden in or for any such county, city, town, or borough, every collector of poor rate or other officer or person having the custody of any such rate or rate-books (whose duty it is under any of the Registration Acts to assist in the preparation, revision, or correction of the lists of voters) shall attend before the county court judge, chairman, or revising  
 15 barrister, and shall answer upon oath all such questions as such county court judge, chairman, or revising barrister may put to him, and shall also at the commencement of each revision make and subscribe the oath contained in Schedule B. hereto; and it shall be lawful for the county court judge, chairman, or revising  
 20 barrister, from time to time as there shall be occasion, to fine any such collector of poor rate or other officer who shall be guilty of any breach of duty in execution of this Act any sum not exceeding *five pounds*.

Poor rate collectors to attend revision courts and subscribe oath.

Power to fine persons guilty of breach of duty a sum not exceeding 5*l*.

11. The guardians of the poor of each union of every county, city, town, or borough may, by order, make such annual allowance  
 30 out of the rates to the poor rate collectors, as compensation for the duty by this Act imposed upon them, as the said guardians shall think proper; but no such order shall be acted on, nor any payment made thereunder, until the same shall be approved of  
 35 by the Local Government Board.

Remuneration to poor rate collectors.

12. Any person who shall refuse or neglect, when duly required by summons under the hand of any county court judge, chairman, or revising barrister, to attend before such county court judge, chairman, or revising barrister at any court to be holden under the  
 40 "principal Act," or under any other Act empowering a county court judge, chairman, or revising barrister to hold courts for

Power to enforce attendance of witnesses summoned. 13 & 14 Vict. c. 69. s. 56.

A.D. 1880. the revision of lists of parliamentary voters, for the purpose of being examined as a witness, shall, upon proof before him of the service of such summons, be liable to pay by way of fine for every such offence a sum of money not exceeding *five pounds* nor less than *twenty shillings*, to be imposed by and at the discretion of the 5 said county court judge, chairman, or revising barrister holding any such court as aforesaid, and to be recovered in the same manner as the other fines imposed by said Act are now by law recoverable.

Revision  
courts to be  
held at poll-  
ing stations.

13. The county court judge, chairman, or revising barrister of every county or riding shall hold open courts for the revision of 10 the lists of voters at each of the places which may be from time to time appointed as polling places for such county or riding: Provided always, that the Lord Lieutenant or other chief governor or governors of Ireland may, if he or they shall consider it unnecessary to have such courts held in any of the polling places so 15 appointed, or if he or they shall consider any of such places inconvenient for the purpose of holding such revision courts, appoint such other places within the said county or riding as he or they shall think more convenient and suitable for the revision of voters for such county or riding. 20

Register lists  
of voters, &c.  
for counties  
to contain  
post towns  
of places of  
abode of per-  
sons on such  
register and  
lists.

14. *From and after the date of the passing of this Act* the register for each county in Ireland, except the registers now in force, and every list of voters or list of claimants for such county, shall contain the post town of the place of abode of every person whose name shall be upon such register, list of voters or list of 25 claimants, for such county.

All notices,  
lists, &c. to  
be posted at  
church  
doors, &c.

15. In every case where by the principal Act or any of the other Registration Acts, any notice, list, register, or other document shall be required to be posted or kept at or near the police station, such notice, list, register, or other document shall also be posted at the 30 doors of every chapel and church in the barony where such notice, list, register, or other document is required to be posted, and at the market places at which notices are usually published.

Precepts, &c.  
to be made  
conformable  
to this Act.

16. All precepts, instruments, proceedings, and notices relating to the registration of voters shall be framed and expressed in such 35 manner and form as may be necessary for the carrying of the provisions of this Act into effect.

## SCHEDULES.

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### SCHEDULE A.

---

NOTICE of OBJECTION to be given to PARTIES objected to by any  
 PERSON other than the CLERK of the PEACE or CLERK of the  
 5 UNION.

Barony of .

To Mr. , of .

Take notice that I object to your name [*in the notice to the  
 10 tenant, instead of the words "your name," insert the name of the  
 person objected to*] being retained on the list for this barony of  
 voters for the county of , and I ground my objection  
 on the column of the register headed—

"Christian name and surname of each person on the register ;"

Or on the column headed—

15 "Place of abode ;"

Or on the column headed—

"Nature of qualification ;"

Or on the column headed—

"Amount of qualification or rating ;"

20 Or on the column headed—

"Townland or other denomination, street, lane, or other like  
 place in this polling district, &c."

Dated this                      day of                      one  
    thousand eight hundred and                      .

25 Signed *A.B.*, of [*place of abode*], being now registered  
    [*or*] on the register of voters or list of voters [*as the  
    case may be*] for the county of .

---

## SCHEDULE B.

[The county court judge, chairman, or revising barrister.]

**Under 1 oz.**

# Registration of Voters (Ireland) Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

1. Definition of "principal Act" and of "Registration Acts."
2. Extent.
3. Short title.
4. Grounds of objection to be stated in notice.
5. Evidence required only so far as ground stated.
6. Each ground of objection to be treated as a separate objection.
7. Costs to be awarded not to exceed 5*l*.
8. Proceedings on objections.
9. Poor rate collectors to enter objections on list.
10. Sixty-seventh section of "principal Act" to apply to poor rate collectors.
11. Poor rate collectors to attend revision courts and subscribe oath.
12. Remuneration of poor rate collectors.
13. Power to enforce attendance of witnesses.
14. Medical relief not to disqualify.
15. Revision courts to be held at polling stations, unless Lord Lieutenant otherwise directs.
16. Register to contain post towns.
17. Notices to be posted at churches.
18. Precepts, &c. to be made conformable.

SCHEDULE A.—Form of notice of objection.

SCHEDULE B.—Oath to be taken by certain persons.





A  
B I L L

TO

Amend the Law relating to the Registration of Voters in Ireland. A.D. 1880.

**W**HEREAS it is expedient to facilitate the registration of persons entitled to the franchise, and to assimilate the law relating to the registration of parliamentary voters in England and in Ireland, and it is expedient to provide the same remedies  
5 against making frivolous objections to persons acquiring the franchise in counties as has already been provided in England :

And whereas other amendments are required in the laws relating to the registration of parliamentary voters in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty,  
10 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

*Preliminary.*

1. "Principal Act" shall mean the Act passed in the session of  
15 the thirteenth and fourteenth years of Her present Majesty, chapter sixty-nine, as amended by the "Registration Acts." "Registration Acts" in this Act shall mean the Act of the thirteenth and fourteenth years of Her present Majesty, chapter sixty-nine, and all other Acts or parts of Acts relating to the registration or qualifica-  
20 tion of persons entitled to vote at the election of members to serve in Parliament for Ireland as amended by this Act.

Definition of  
"principal  
Act" and of  
"Registration  
Acts."

2. This Act shall apply to Ireland only, but shall not extend to  
the borough of the University of Dublin.

Extent of  
Act.

3. This Act may be cited for all purposes as the Registration  
25 of Voters Amendment (Ireland) Act, 1880.

Short title.

*Prevention of frivolous Objections.*

4. A notice of objection given under section twenty-six of the  
"principal Act" to any person upon any list of voters shall not be  
[Bill 150.]

Notices of  
objection  
shall state

A 2

A.D. 1880.

grounds of  
objection.See  
28 & 29 Vict.  
c. 36. s. 6.Person ob-  
jected to  
only required  
to give evi-  
dence in  
support of  
his right so  
far as ground  
of objection  
stated.28 & 29 Vict.  
c. 36. s. 7.Each ground  
of objection  
to be treated  
as a separate  
objection,  
and costs  
awarded.13 & 14 Vict.  
c. 69. s. 62.  
28 & 29 Vict.  
c. 36. s. 8.Costs to be  
awarded not  
to exceed 5*l*.  
28 & 29 Vict.  
c. 36. s. 14.  
13 & 14 Vict.  
c. 69. s. 62.Proceedings  
on objection  
made to  
voters on  
list other  
than list of  
claimants.13 & 14 Vict.  
c. 69. s. 55.

valid unless the ground or grounds of objection be specifically stated therein; and this provision shall be deemed to be sufficiently satisfied by naming the column or columns of the register on which the objector grounds his objection, and any objection grounded upon any one of the said columns shall be deemed a separate ground of objection, and such notice may be according to the form in the schedule to this Act annexed, or to the like effect, in substitution for the form numbered (12) in Schedule (A.) to the principal Act.

5. No person objected to by a notice under the said section of the principal Act, as amended by this section, shall be required to give evidence before the county court judge, chairman, or revising barrister in support of his right to be registered otherwise than as such right is called in question in the ground or grounds of objection specified in the notice.

6. Every separate ground of objection in any notice given in accordance with this Act shall be treated by the county court judge, chairman, or revising barrister as a separate objection; and for every such ground of objection which, in the opinion of the county court judge, chairman, or revising barrister, has been groundlessly or frivolously or vexatiously stated, he shall, on the application of the person objected to, or anyone on his behalf, and upon the production of the notice of objection, award costs against the objector to the amount of at least *two shillings and sixpence*, and this though the name of the person objected to be expunged upon some other ground of objection stated in the same notice of objection.

7. The sum ordered to be paid by way of costs shall not upon any one vote exceed the sum of "*five pounds*," and the sixty-second section of the principal Act shall be read as if the words "*five pounds*" had been substituted therein for the words "twenty shillings."

8. Notwithstanding anything to the contrary in the "principal Act" contained, where any person whose name is on any list of voters for a county, city, town, or borough, (not being a list of claimants,) is duly objected to by some person other than the clerk of the peace, the clerk of the union, the poor rate collectors, or the town clerk, county court judge, the chairman or revising barrister, whether the person objected to does or does not appear before him, shall, before requiring it to be proved that the person so objected to is entitled to have his name inserted in the list of voters for such county, city, town, or borough, or expunging such name, require

prima facie proof to be given to his satisfaction of some ground of objection against such person, and, for the purpose of determining whether such prima facie proof is satisfactory, shall examine the collectors of poor rates, clerk of the union, or any other person who  
 5 may be present, touching the truth of the alleged ground of objection, and if such prima facie proof is not so given to his satisfaction, he shall retain the name of the person objected to in the list of voters.

A.D. 1880.

*Miscellaneous.*

10 9. The clerk of each poor law union wholly or in part within the limits of any county in Ireland, after he shall have made out the supplemental list in the twentieth section of the "principal Act" mentioned and directed to be made out, but before transmitting the same to the clerk of the peace of the county as in said section is  
 15 mentioned, shall deliver such supplemental list to the respective collector or collectors of poor rate for such respective barony or division of a barony; and such collector or collectors shall upon such list enter objections before the names of persons in such supplemental list contained, and not entitled to be on the register  
 20 next to be made, in like manner in all respects and in the like cases as in the nineteenth section of the principal Act is directed and required with regard to the copy of register of such barony or division of a barony, and such respective poor rate collector or collectors shall return such lists to the clerk of the union in suffi-  
 25 cient time to enable such clerk of the union to deal with said list, as is directed by the twentieth section of the said principal Act.

Poor rate collectors to enter objections on list.  
 13 & 14 Vict. c. 69. s. 20.

10. The provisions of the sixty-seventh section of the "principal Act" shall apply to all poor rate collectors as fully as the same apply to any clerk of the peace or town clerk. Nothing in this  
 30 Act contained shall be deemed or construed to relieve any clerk of the peace, clerk of a union, or other person from any obligation or duty imposed on him by any of the Registration Acts now in force.

Certain provisions of the 13 & 14 Vict. c. 67 to apply to poor rate collectors.

11. In each court of revision holden in or for any such county, city, town, or borough, every collector of poor rate or other officer  
 35 or person having the custody of any such rate or rate-books (whose duty it is under any of the Registration Acts to assist in the preparation, revision, or correction of the lists of voters) shall attend before the county court judge, chairman, or revising barrister, and shall answer upon oath all such questions as such  
 40 county court judge, chairman, or revising barrister may put to him, and shall also at the commencement of each revision make and

Poor rate collectors to attend revision courts and subscribe oath.

A.D. 1880. subscribe the oath contained in Schedule B. hereto; and it shall be lawful for the county court judge, chairman, or revising barrister, from time to time as there shall be occasion, to fine any such collector of poor rate or other officer who shall be guilty of any breach of duty in execution of this Act any sum not exceeding *five pounds*.

Power to fine persons guilty of breach of duty a sum not exceeding 5*l*.

Remuneration to poor rate collectors.

12. The guardians of the poor of each union of every county, city, town, or borough may, by order, make such annual allowance out of the rates to the poor rate collectors, as compensation for the duty by this Act imposed upon them, as the said guardians shall think proper; but no such order shall be acted on, nor any payment made thereunder, until the same shall be approved of by the Local Government Board.

Power to enforce attendance of witnesses summoned.  
13 & 14 Vict.  
c. 69. s. 56.

13. Any person who shall refuse or neglect, when duly required by summons under the hand of any county court judge, chairman, or revising barrister, to attend before such county court judge, chairman, or revising barrister at any court to be holden under the "principal Act," or under any other Act empowering a county court judge, chairman, or revising barrister to hold courts for the revision of lists of parliamentary voters, for the purpose of being examined as a witness, shall, upon proof before him of the service of such summons, be liable to pay by way of fine for every such offence a sum of money not exceeding *five pounds* nor less than *twenty shillings*, to be imposed by and at the discretion of the said county court judge, chairman, or revising barrister holding any such court as aforesaid, and to be recovered in the same manner as the other fines imposed by said Act are now by law recoverable.

Persons refusing to give evidence liable to imprisonment.

Any person who shall have been duly summoned and shall refuse to give evidence before the chairman or revising barrister at any court to be holden under the principal Act, or under any other Act empowering a chairman or revising barrister to hold courts for the revision of lists of parliamentary voters, shall be liable to imprisonment for contempt of court for a period not exceeding *six weeks*, at the discretion of the chairman or revising barrister.

Medical relief not to disqualify.  
13 & 14 Vict.  
c. 69. s. 111.

14. Section one hundred and eleven of the "Principal Act" shall not apply to persons who shall receive medical but no other relief under the Acts for the more effectual relief of the poor in Ireland.

Revision courts to be held at poll-tations.

15. The county court judge, chairman, or revising barrister of every county or riding shall hold open courts for the revision of the lists of voters at each of the places which may be from time to time appointed as polling places for such county or riding:



Provided always, that the Lord Lieutenant or other chief governor or governors of Ireland may, if he or they shall consider it unnecessary to have such courts held in any of the polling places so appointed, or if he or they shall consider any of such places inconvenient for the purpose of holding such revision courts, appoint such other places within the said county or riding as he or they shall think more convenient and suitable for the revision of voters for such county or riding.

16. *From and after the date of the passing of this Act* the register for each county in Ireland, except the registers now in force, and every list of voters or list of claimants for such county, shall contain the post town of the place of abode of every person whose name shall be upon such register, list of voters, or list of claimants for such county.
17. In every case where by the principal Act or any of the other Registration Acts, any notice, list, register, or other document shall be required to be posted or kept at or near the police station, such notice, list, register, or other document shall also be posted at the doors of every chapel and church in the barony where such notice, list, register, or other document is required to be posted, and at the market places at which notices are usually published.
18. All precepts, instruments, proceedings, and notices relating to the registration of voters shall be framed and expressed in such manner and form as may be necessary for the carrying of the provisions of this Act into effect.

A.D. 1880.

Register lists of voters, &c. for counties to contain post towns of places of abode of persons on such register and lists.

All notices, lists, &c. to be posted at church doors, &c.

Precepts, &c. to be made conformable to this Act.

A.D. 1880.

## SCHEDULES.

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### SCHEDULE A.

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NOTICE of OBJECTION to be given to PARTIES objected to by any  
PERSON other than the CLERK of the PEACE or CLERK of the  
UNION. 5

Barony of .

To Mr. , of .

Take notice that I object to your name [*in the notice to the  
tenant, instead of the words "your name," insert the name of the  
person objected to*] being retained on the list for this barony of 10  
voters for the county of , and I ground my objection  
on the column of the register headed—

"Christian name and surname of each person on the register ;"

Or on the column headed—

"Place of abode ;"

15

Or on the column headed—

"Nature of qualification ;"

Or on the column headed—

"Amount of qualification or rating ;"

Or on the column headed—

20

"Townland or other denomination, street, lane, or other like  
place in this polling district, &c."

Dated this                      day of                      one  
thousand eight hundred and .

Signed A.B., of [*place of abode*], being now registered 25  
[or] on the register of voters or list of voters [*as the  
case may be*] for the county of .

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**SCHEDULE B.**  

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OATH to be taken by CLERK of the PEACE, TOWN CLERK, POOR RATE COLLECTOR, at the commencement of the sitting of REVISION COURT.

5 I make oath and say that I have honestly and faithfully and to the best of my ability discharged all the duties imposed upon me by law relating to the preparation, revision, and correction of the lists of voters which are to be revised at the present court of revision.

10 Sworn this (Signed) day of before me  
[The county court judge, chairman, or revising barrister.]

# Registration of Voters (Ireland).

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## BILL

To amend the Law relating to the  
Registration of Voters in Ireland.

(Prepared and brought in by  
Mr. Melton, Mr. Shaw, Mr. Mitchell Henry,  
Mr. Findlater, and Mr. Dawson.)

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*Ordered, by The House of Commons, to be Printed,*  
21 May 1880.

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[Bill 150.]

*Under 2 oz.*

# Relief of Distress (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

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## ARRANGEMENT OF CLAUSES.

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### Clause.

1. Short title.
2. Interpretation.
3. Extension of power to grant out-door relief in food and fuel.
4. Power to borrow.
5. Power of Board of Works to lend.
6. Repayment of loans made by the Board of Works.
7. Orders for payment of loans may be made by Local Government Board.
8. Confirmation of expenditure by guardians, and indemnity.
9. Validation of loans.
10. Validation of baronial presentments.
11. Future meetings of baronial sessions.
12. Permanence of constitution of sessions.
13. Repayment of advances.
14. Tax to be divided like poor rate.
15. Remuneration for county officers.
16. Audit of accounts.
17. Repayment to the Treasury.
18. Extension of borrowing powers of Commissioners of Church Temporalities.
19. Repayment to Church Commissioners.
20. Indemnity and saving.
21. Out-door relief not to involve electoral disability.

### SCHEDULE.

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[Bill 84.]

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## B I L L

[AS AMENDED IN COMMITTEE]

TO

Render valid certain proceedings taken for the Relief of A.D. 1880.  
 Distress in Ireland, and to make further provision for such  
 Relief; and for other purposes.

**B**E it enacted by the Queen's most Excellent Majesty, by and  
 with the advice and consent of the Lords Spiritual and  
 Temporal, and Commons, in this present Parliament assembled,  
 and by the authority of the same, as follows :

5 1. This Act may be cited as the Relief of Distress (Ireland) Act, Short title.  
 1880.

2. In this Act, if not inconsistent with the context, the term Interpreta-  
 "the Poor Law Acts" means the Act passed in the session of tion.  
 Parliament held in the first and second years of the reign of Her  
 10 present Majesty, chapter fifty-six, and the Acts altering or amending  
 the same.

The term "the Land Improvement Acts" means the Acts men-  
 tioned in the schedule to this Act, and the Acts altering or  
 amending them.

15 The term "the Local Government Board" means the Local  
 Government Board for Ireland.

The term "Lord Lieutenant" means the Lord Lieutenant or other  
 chief governor or governors of Ireland for the time being.

3. At any time after the passing of this Act and before the Extension of  
 20 thirty-first day of December one thousand eight hundred and eighty, power to  
 the Local Government Board may, from time to time, if and so far grant out-  
 as they think fit, authorise by order under their seal the guardians door relief in  
 of the poor of any union to administer relief in food and fuel, or food and  
 either of them, out of the workhouse, to poor persons, whether fuel.  
 25 such poor persons might, under the Poor Law Acts, have obtained  
 relief out of the workhouse or not, in the union, or in any electoral  
 division or divisions thereof, for any time not exceeding two  
 calendar months from the date of such order; and the Local

[Bill 84.]

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A.D. 1880. Government Board may, from time to time, by an order under their seal for that purpose, revoke any such order either wholly or with reference to any particular person or class of persons in receipt of such relief; and on the receipt by the guardians of any union of any such order of the Local Government Board authorising such relief in food and fuel, or either of them, the guardians shall make provision for affording such relief accordingly for such time and on such conditions as may be specified in the order or until the said order is revoked; and the proviso at the end of the second section of the Act passed in the session of Parliament of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter eighty-three, shall not apply to the relief to be afforded under this Act.

The expense of affording relief under this Act to each person so relieved shall be charged in the same manner as if such expense had been incurred in affording in-door relief to such person under the provisions of the Poor Law Acts. Any union or part of an union may be scheduled in the manner stated in the public notice issued by the Commissioners of Public Works on the twenty-second day of November one thousand eight hundred and seventy-nine, as a distressed district, for the purpose of extending thereto the right to borrow money for purposes of out-door relief, or for sanitary improvements, or for the improvement of land, or for works to be presented by extraordinary presentment sessions, as set forth in the tenth section of this Act.

25

Power to  
borrow.

4. In addition to any power of borrowing vested in boards of guardians under the Acts in force at the time of the passing of this Act, the board of guardians of any union scheduled for the time being as a distressed union in the manner stated in the public notice issued by the Commissioners of Public Works on the twenty-second day of November one thousand eight hundred and seventy-nine, may, with the sanction of the Local Government Board, for the purpose of defraying any costs, charges, or expenses incurred or to be incurred by them in the execution of this Act, or of the Poor Law Acts, other than for building, borrow and take up at interest any sums of money necessary for defraying any such costs, charges, and expenses. Every union to which an order authorising relief outside the workhouse shall be issued under the third section of this Act may, with such sanction as aforesaid, for the purpose of defraying any costs, charges, or expenses incurred, or to be incurred, in providing and distributing relief under such order, borrow and take up at interest any sums of money necessary for defraying any such costs, charges, and expenses.

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35  
40

- (4.) All sums so borrowed shall be repaid by such instalments as may be agreed on with the sanction of the Local Government Board. A.D. 1880.

The several provisions of the Public Health (Ireland) Act, 1878, relative to loans to rural sanitary authorities, so far as they are consistent with the enactments contained in this Act, shall apply to all loans contracted under this Act. 41 & 42 Vict. c. 52.

5. The Commissioners of Public Works in Ireland may, with the consent of the Commissioners of Her Majesty's Treasury, on the application of any board of guardians and on the recommendation of the Local Government Board, make out of any moneys placed at their disposal by Parliament for the purpose of loans any loan to such board of guardians in pursuance of any power of borrowing conferred by this Act, on the security of any rate applicable to any of the purposes of the Poor Law Acts, and without requiring any further or other security, such loans to bear interest at the rate of *three and a half* per centum per annum. Power of Board of Works to lend.

6. If at any time before the *passing of this Act* the Commissioners of Public Works in Ireland shall have advanced money to any board of guardians upon the faith of a resolution of the board agreeing to repay the advance in such manner as the Commissioners of the Treasury should prescribe, the sum so advanced, or any part thereof remaining unpaid from time to time, together with interest on such sum or part, shall be a charge upon the rates leviable on such electoral division or divisions in the union as the Local Government Board shall appoint; and such sum or part shall be repaid in such manner, within such time, and with such interest, as the Commissioners of the Treasury shall prescribe. Repayment of loans made by the Board of Works.

7. If at any time the Commissioners of Public Works in Ireland certify that any sum remains due to them from the board of guardians of any union on account of any loan or advance made under this Act, or on the faith of any such resolution, and is then payable to the Commissioners, the Local Government Board shall by order under their seal assess that sum on such of the several electoral divisions in the union as they think proper, and shall send copies of the order to the Board of Guardians and to the treasurer of the union; and thereupon the treasurer of the union shall, out of any money then in his hands to the credit of the guardians, or if such money is insufficient for the purpose then out of all moneys subsequently received by him on account of the guardians, pay over the amount mentioned in the order to the Commissioners of Public Works. The guardians of the union shall debit the several electoral divisions with such proportions of that Orders for payment of loans may be made by Local Government Board.

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A.D. 1880. sum as the said order of the Local Government Board shall have assessed upon such electoral divisions respectively.

Confirmation  
of expendi-  
ture by  
guardians,  
and indem-  
nity.

8. If at any time before the *passing of this Act* any outlay shall have been made by any board of guardians for the purpose of providing out-door relief in food or fuel, such outlay, and all resolutions and proceedings of the board and of their officers in relation thereto, shall be ratified and confirmed and be as valid and effectual as if the outlay had been made and the resolutions and proceedings had been passed and taken under the authority and in compliance with the provisions of this Act: And all persons who have acted in any manner in making any such outlay or otherwise in providing such relief shall be released and indemnified from and against any penalties, and from and against all legal claims or proceedings in consequence thereof. 5 10

Validation  
of loans.  
41 & 42 Vict.  
c. 52.  
42 & 43 Vict.  
c. 57.

9. Whereas under the provisions of the Land Improvement Acts, and under the provisions of the Public Health (Ireland) Act, 1878, and the Public Health (Ireland) Amendment Act, 1879, the Commissioners of Public Works in Ireland are empowered to lend money to owners of land and to sanitary authorities, but subject to the conditions prescribed by the above-mentioned Acts: 15 20

And whereas by reason of the want of employment for the labouring classes, and the consequent distress in certain districts in Ireland, it became desirable to extend without delay the facilities and advantages in obtaining loans under the said Acts, and to dispense with some of the conditions prescribed by the said Acts: 25

And thereupon, for the purpose above stated, and with a view to enable owners of land and sanitary authorities to afford immediate employment to the labouring classes in such distressed districts, the Commissioners of Her Majesty's Treasury, on the application of His Grace the Lord Lieutenant of Ireland, authorised the Commissioners of Public Works in Ireland to lend to owners of land and sanitary authorities in such districts sums of money for some of the purposes of the said Acts, but upon terms more favourable to the borrowers than the terms prescribed by the said Acts: 30

And in pursuance of such authority the Commissioners of Public Works, by public notice dated the twenty-second day of November one thousand eight hundred and seventy-nine, and by a subsequent public notice dated the twelfth day of January one thousand eight hundred and eighty, amending the former notice and extending to all loans which had been applied for and obtained under the conditions of the said former notice, announced that they were authorised to make loans to owners of land and to sanitary autho- 35 40

rities in certain districts under the said Acts, but upon the terms set forth in such notices, for the purposes therein specified : A.D. 1880.

And whereas a number of loans have been applied for by owners of land and sanitary authorities, and have been made to them by  
 5 the Commissioners of Public Works, in accordance with the said public notices and upon the terms set forth therein, and it is necessary and expedient that all such loans, and the several proceedings taken or which shall be taken in reference to them, should be ratified and confirmed upon the terms set forth in such notices :  
 10 Therefore, all loans made by the Commissioners of Public Works in Ireland, in compliance with applications made under either of their public notices of the twenty-second day of November and the twelfth day of January last, and all advances of money made or hereafter to be made by the Commissioners on account of any  
 15 such loan, and all contracts, express or implied by law, entered into between the Commissioners and any person or sanitary authority respecting any such loan, or any interest thereon, and all securities for the repayment of any such loan or interest, and all things done or to be done in the making or repaying of such loan, shall be  
 20 ratified and confirmed and be as valid and effectual as if the terms set forth in the second of the said notices had been enacted in the said Acts as the terms upon which any such loan might be made, and as if such loan had been made in other respects in strict accordance with the provisions of such Acts applicable to  
 25 such loan; and it is hereby declared that the provisions of the second of the two notices aforesaid shall extend to loans applied for and obtained under the conditions of the notice dated the twenty-second of November; and in the case of any loan which would have been charged upon any special land or rate if made  
 30 in strict accordance with the provisions of such Acts applicable to such loan, or with reference to which loan any of such Acts creates any legal right or liability, such land or rate shall be charged, and such legal right or liability shall be created, as fully as if such loan were made in strict accordance with the  
 35 provisions of such Acts applicable to such loan.

10. And whereas further measures for the relief of some of such distressed districts became necessary, and the Commissioners of Her Majesty's Treasury accordingly authorised the Commissioners of Public Works to advance, by way of loan, certain sums to be expended in such works as should be presented by extraordinary  
 40 presentment sessions of certain baronies, which the Lord Lieutenant announced that he would convene, on the application of the

Validation of  
baronial  
present-  
ments.



A.D. 1880.

—

guardians of the poor of unions situate either wholly or in part in those baronies, when such application was supported by the report of the Local Government Board; and for other purposes :

And whereas, on such applications being made, the Lord Lieutenant directed extraordinary meetings of the baronial presentment sessions to be convened in certain baronies in Ireland, and issued certain instructions to the justices and the associated cess-payers assembled at such presentment sessions as to the works which they might present, and their proceedings in relation thereto, and as to the approval by the Commissioners of Public Works of such presentments, and the terms upon which loans would be made for such works by the Commissioners of Public Works, and as to other matters :

And whereas extraordinary meetings of the presentment sessions were held in such baronies, and the justices and associated cess-payers have made presentments for works in accordance with such instructions, and such presentments have been approved by the Commissioners of Public Works, and loans have been made for such works on the terms contained in such instructions :

And whereas it is necessary and expedient that all presentments made at any such presentment sessions before or after the passing of this Act which have been or shall be approved by the Commissioners of Public Works, and all loans and advances which have been made or shall be made thereon, and the several proceedings taken, or which shall be taken thereunder, should be ratified and confirmed, and that such loans should be repaid as is provided by this Act :

Therefore all presentments made or to be made at any such extraordinary presentment sessions in accordance with such instructions, and which have been or shall be approved by the Commissioners of Public Works, and all works consequent upon such presentments, and all advances of public money made or to be made, and all things done or to be done in execution of such presentments, shall be ratified and confirmed as if the same had been presented, made, and done strictly in accordance with the Statutes under which such works may be presented for.

Future  
meetings of  
baronial  
sessions.

11. At any time after the passing of this Act, and before the *thirty-first day of December one thousand eight hundred and eighty*, the Lord-Lieutenant may from time to time, if he thinks fit, convene extraordinary presentment sessions for any barony, and may issue instructions to the justices and the associated cesspayers assembled at such sessions, to which instructions they shall conform.

The Lord-Lieutenant may from time to time, if he think fit, A.D. 1880.  
 revoke, vary, or add to the instructions issued before the passing of  
 this Act, or which may be issued by him to the justices, and  
 associated cesspayers constituting any extraordinary presentment  
 5 sessions, but in so far as such instructions relate to any loan or  
 advance of money only with the consent of the Commissioners of  
 Her Majesty's Treasury. All presentments made by such sessions, in  
 accordance with the instructions from time to time in force, shall be  
 as valid and effectual as if they had been duly presented by the  
 10 grand jury, and fiatd by the court at any assizes or presenting  
 term.

The Commissioners of Public Works may, with the consent of the  
 Commissioners of Her Majesty's Treasury, make loans or advances  
 for the purposes of carrying into effect the presentments of any  
 15 extraordinary presentment sessions convened under the authority of  
 this Act, and for the other purposes mentioned in the instructions  
 issued by the Lord-Lieutenant, upon the terms herein-after stated.

All instructions issued by the Lord Lieutenant to the Justices and  
 associated cess-payers of any extraordinary presentment sessions  
 20 shall be laid before Parliament within *one month* after they have  
 been issued, if Parliament is then sitting, and if not, then within  
*one month* after the next meeting of Parliament.

12. The several persons entitled from time to time to attend as Permanence  
of constitu-  
tion of  
sessions.  
 justices and as associated cess-payers respectively at the extra-  
 25 ordinary presentment sessions in any barony, in accordance with  
 the instructions issued by the Lord-Lieutenant, and the persons  
 appointed to serve on any Standing Committee of any such sessions,  
 shall, notwithstanding that they may have ceased to be entitled to  
 attend at the ordinary presentment sessions of the barony, continue  
 30 to be exclusively entitled to constitute the extraordinary present-  
 ment sessions for a period of six months after the first meeting of  
 the extraordinary presentment sessions at which they were respec-  
 tively entitled to attend, or for such other period as the Lord-Lieu-  
 tenant by order, to be published in the Dublin Gazette, may appoint.

13. The moneys advanced from time to time by the Commis- Repayment  
of advances.  
 sioners of Public Works for the purpose of the presentments of any  
 extraordinary presentment sessions shall be charged upon the several  
 baronies for the use of which they were advanced. The moneys  
 paid from time to time by the Commissioners of Public Works to  
 40 the secretary of the grand jury of any county, or to any county  
 surveyor, for expenses incurred by such secretary or surveyor, shall

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A.D. 1880. — be charged upon the county at large. All such sums shall be repaid, with interest at the rate of *one* per centum per annum commencing from the expiration of *two years* after the making of the loan, by grand jury presentments, by *thirty half-yearly* instalments, the first of such instalments to be presented at the assizes 5 next preceding the expiration of the said period of two years; and the Commissioners of Public Works shall, before each assizes, make out a certificate for each county in which such extraordinary presentment sessions have been held, specifying the amount properly chargeable upon each barony in the county or upon the county at 10 large. Every such certificate shall be conclusive evidence of all facts and circumstances necessary to authorise the making of it. The Commissioners of Public Works shall transmit the certificate to the secretary of the grand jury, to be laid before the grand jury, and thereupon the grand jury shall, without any previous appli- 15 cation to presentment sessions make a presentment for the amount specified in such certificate as payable by each barony, or by the county at large, or, in default of such presentment, the amount shall be raised by an order of the judge of assize, which order shall have the force of a presentment. The amounts raised under 20 such presentments shall be paid to the Commissioners of Public Works in such manner as the Commissioners of the Treasury may from time to time direct.

Tax to be  
divided like  
poor rate.

14. Any person who is liable to pay a rent in respect of any premises in any barony chargeable with any such repayment may 25 deduct from such rent, for each pound of the rent which he is liable to pay, *one half* of the sum which he has paid under any such grand jury presentment in respect of each pound of the net annual value of such premises as valued under the Acts relating to the valuation of rateable property in Ireland, and so in proportion for any 30 less sum than a pound: Provided always, that it shall not be lawful under this Act for any such person to deduct from the rent payable by him for such premises a larger sum than *one half* of the amount of the cess which has been paid by him in respect of the same. Any person receiving rent in respect of any premises liable to such 35 payment under grand jury presentment, who also pays a rent in respect of the same, shall be entitled to deduct from the rent so paid by him a sum bearing such a proportion to the amount of the sum deducted from the rent received by him as the rent paid by him bears to the rent received by him. 40

In the baronies chargeable under this Act receipts for grand jury cess shall be given by the collectors distinguishing the amount paid under presentments pursuant to this Act from the rest of the cess payable for the half year.

15. The Commissioners of Public Works may pay to the secretary of the grand jury of any county, and to the county surveyor, such sums as they consider to have been properly and necessarily expended by such secretary or surveyor in publishing notices or  
 5 advertisements, or in attendance at such presentment sessions, or otherwise in relation to such presentment sessions, and for the remuneration of such clerks or assistants as the Commissioners may sanction. The sums so paid by the Commissioners, and any sums paid by them before the passing of this Act to any such secretary  
 10 or county surveyor for such purposes, shall be repaid to the Commissioners by grand jury presentment in the manner provided by this Act.

A.D. 1880.

Remuneration for county officers.

The grand jury shall present to every collector remuneration for the collection of all assessments made for the purposes mentioned  
 15 in this Act, at the same rate as they present to him for collecting grand jury cess; and the grand jury may, if they think fit, also present to the secretary of the grand jury, and the county surveyor, and his assistants, such reasonable sum, to be levied off the county at large, as remuneration for the trouble incurred by  
 20 each such person in respect to such presentment sessions, as, having regard to the other duties of such person and the rate at which he is remunerated for them, the grand jury thinks fit.

Where any presentment has been made at extraordinary presentment sessions for the making of a new road or the widening of an old  
 25 road, the grand jury may, without previous application to presentment sessions, present to any owner or occupier of the ground through which the new road is to be made or into which the old road is to be widened, as compensation for the loss sustained by such owner or occupier, such sums as they think fit, chargeable upon the barony  
 30 or baronies in which the land is situate. All such owners and occupiers shall be entitled to traverse for damages.

The Commissioners of Public Works may, if they think fit, lend to any grand jury the amounts presented by the grand jury under the authority of this section. Every such loan shall be chargeable  
 35 upon the county at large, or upon the barony specified in the presentment, and shall be repayable on the same terms as the loans for other presentments validated by this Act.

16. The accounts of every extraordinary presentment sessions shall be audited in the same manner as county accounts are  
 40 audited; and the provisions of all Acts relative to the auditing of county accounts in Ireland shall apply to the auditing of the accounts of such presentment sessions.

Audit of accounts.

[1.]

B

A.D. 1880.

Repayment  
to the  
Treasury.

17. Whereas the Commissioners of Public Works have, by the authority of the Commissioners of the Treasury, advanced to owners of land, and to sanitary authorities, and for the purposes of the extraordinary presentment sessions, certain moneys for the time being in their hands or under their control for purposes other than those, or on terms different from those, for which the said moneys were voted by Parliament :

And whereas it is expedient to make good the same and to provide for further advances under this Act :

Therefore, the Commissioners of Church Temporalities in Ireland shall advance to the Commissioners of Public Works out of any monies at their disposal or which they may raise on the security of their annual income, such sum or sums not exceeding in the whole the sum of *five hundred thousand pounds*, as the Commissioners of the Treasury may from time to time direct.

Extension of  
borrowing  
powers of  
Commis-  
sioners of  
Church  
Temporal-  
ties.  
32 & 33 Vict.  
c. 42.

32 & 33 Vict.  
c. 42.

18. The several provisions of the Irish Church Act, 1869, with respect to the raising of money by the Commissioners of Church Temporalities in Ireland, and the giving of security for the repayment thereof, and of interest thereon, and with respect to the power of the Commissioners for the Reduction of the National Debt to make advances to the said Commissioners of Church Temporalities, and with respect to the powers of the Commissioners of Her Majesty's Treasury in relation to the money so to be raised, shall be extended and shall apply to the purposes of this Act as fully as such provisions apply to the purposes of the Irish Church Act, 1869.

Any advance made by the Commissioners for the Reduction of the National Debt to the Commissioners of Church Temporalities for the purposes of this Act, shall be charged upon the property accruing to and shall be payable by the Commissioners of Church Temporalities under the said Irish Church Act, 1869, as if it were part of the debt already owing by the Commissioners of Church Temporalities to the Commissioners for the Reduction of the National Debt, and shall be paid to the latter in priority of all debts due from the said Church Temporalities Commissioners under any statutes except the said Irish Church Act, 1869.

Repayment  
to Church  
Commis-  
sioners.

19. The amounts presented from time to time by grand juries, and the amounts paid from time to time by boards of guardians, sanitary authorities, and owners of land, in repayment of loans made by the Commissioners of Public Works, shall be paid by the Commissioners of Public Works, subject to such directions as the

SCHEDULE of Acts referred to in Section 2.  

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A.D. 1880.  

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10 & 11 Vict. c. 32.  
12 & 13 Vict. c. 59.  
13 & 14 Vict. c. 31.  
15 & 16 Vict. c. 34.  
23 & 24 Vict. c. 19.  
25 & 26 Vict. c. 29.  
29 & 30 Vict. c. 40.



# **Relief of Distress (Ireland).**

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A

## **B I L L**

[AS AMENDED IN COMMITTEE]

To render valid certain proceedings taken for the Relief of Distress in Ireland, and to make further provision for such Relief; and for other purposes.

*(Prepared and brought in by  
Mr. Chancellor of the Exchequer, Mr. James  
Louthen, Sir Henry Selwin-Ibbetson, and  
Mr. Attorney-General for Ireland.)*

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*Ordered, by The House of Commons, to be Printed,  
20 February 1880.*

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[Bill 84.]

*Under 2 oz.*

A

## B I L L

TO

Relieve the Distress in Ireland.

**W**HEREAS great and pressing distress exists in Ireland, and it is advisable to take immediate steps for relieving same: A.D. 1880.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Relief of Distress (Ireland) Act, Short title.  
1880.

2. A Commission shall be established, called the Commission for the Relief of Distress in Ireland, herein-after called "the Commission." The Commission shall consist of *twelve* members, who shall be the chairman or president, and two of the honorary secretaries, of each of the four principal central associations or committees in Dublin which have been engaged in collecting subscriptions and distributing relief during the current year. The members of the Commission shall hold office up to the *thirty-first day of December one thousand eight hundred and eighty*. Commission to be established.

If any vacancy occurs in the office of any member of the Commission, by death, resignation, or otherwise, the remaining members of the Commission may appoint some other fit person to fill the vacancy.

The Commission shall at their first meeting appoint one member of the Commission to be chairman and another member to be vice-chairman, who shall continue in office during the existence of the Commission.

The Commission shall be a body corporate, and shall have a common seal.

*Three* members of the Commission shall form a quorum.

3. It shall be the duty of the Commission to relieve the distress in Ireland, in such manner as may appear to them most expedient and speedy. Duties of Commission.

[Bill 244.]

A.D. 1880.

Commission-  
ers of Church  
Tempo-  
ralities to  
provide  
funds.

4. For the purpose of carrying this Act into effect, the Commissioners of Church Temporalities in Ireland shall, out of the property accruing to the Commissioners under the Irish Church Act, 1869, when and as required by the Commission, provide for the use of the Commission, in cash, or in securities or rentcharges 5 of an equivalent value, such amount, not exceeding in the whole *two hundred thousand pounds*, as the Commission shall estimate to be required for the purposes of this Act.

Extension of  
provisions of  
Irish Church  
Act, 1869.

5. The several provisions of the Irish Church Act, 1869, with respect to the raising of money by the Commissioners of Church 10 Temporalities in Ireland, and the giving of security for the repayment thereof, and of interest thereon, and with respect to the power of the Commissioners for the Reduction of the National Debt to make advances to the said Commissioners of Church Temporalities, and with respect to the powers of the Commissioners of Her Ma- 15 jesty's Treasury in relation to the money so to be raised, shall be extended, and shall apply to the purposes of this Act as fully as such provisions apply to the purposes of the Irish Church Act, 1869.



**Relief of Distress (Ireland).**

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A

**B I L L**

To relieve the Distress in Ireland.

*(Prepared and brought in by  
Mr. Parnell and Mr. O'Kelly.)*

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*Ordered, by The House of Commons, to be Printed,  
22 June 1880.*

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[Bill 244.]

*Under 1 oz.*

A

# B I L L

TO

Amend the Relief of Distress (Ireland) Act, 1880; and for A.D. 1880.  
other purposes relating thereto.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5   1. This Act may be cited as the Relief of Distress (Ireland) Short title.  
Amendment Act, 1880.

2. Whereas by the seventeenth section of the Relief of Distress Amendment  
(Ireland) Act, 1880, it is enacted that the Commissioners of Church of Relief of  
Temporalities in Ireland shall advance to the Commissioners of Distress Act.  
10 Public Works, out of any moneys at their disposal or which they  
may raise on the security of their annual income, such sum or sums  
not exceeding in the whole the sum of seven hundred and fifty  
thousand pounds as the Commissioners of the Treasury may from  
time to time direct, and whereas the said limited sum has been  
15 found insufficient for the purposes of the Act :

Therefore, the seventeenth section of the said Act shall be construed as if the words *one million five hundred thousand pounds* were therein substituted for the words *seven hundred and fifty thousand pounds* : And with the view of facilitating the raising of  
20 the said increased sum, the Commissioners for the Reduction of the National Debt and the Commissioners of Church Temporalities may from time to time vary the terms for the repayment of any loan made or to be made by the Commissioners for the Reduction of the National Debt, and the security for such loan : And the Treasury  
25 may, if they think fit, from time to time continue their guarantee to the loan and security varied as aforesaid.

[Bill 205.]

A



2 *Relief of Distress (Ireland) Act (1880), Amendment.* [43 VICT.]

A.D. 1880. **3.** The Commissioners of Public Works may, with the consent of the Treasury, out of any moneys placed at their disposal by Parliament for the making of loans, make loans to railway and other public companies having borrowing powers, and in favour of which any such guarantee as is herein-after mentioned has been given; 5 upon the same terms and conditions as apply to loans made by them for the like purposes under the Act of the session of Parliament of the first and second years of the reign of His late Majesty King William the Fourth, chapter thirty-three, entitled “An Act for the extension and promotion of public works in 10  
“Ireland,” and the Acts amending the same.

Guarantees by presentment sessions. **4.** For the purpose of enabling any barony or baronies to give a guarantee in favour of any such railway or other public company, the Lord Lieutenant may from time to time, if he thinks fit, in exercise of the power conferred upon him by the Relief of 15 Distress (Ireland) Act, 1880, convene extraordinary presentment sessions for any barony, and may, by instructions to the justices and the associated cess payers assembled at such sessions, authorise and empower them by presentment to charge the barony, by way of guarantee, with the repayment of any principal sum, with interest, 20 thereafter to be borrowed by any such railway or other public company, upon such conditions as the Lord Lieutenant may prescribe.

The baronial presentment sessions may agree with the company as to the mode in which the company contracting the loan shall 25 repay or secure to the barony any sums paid by the barony on account of such loan, with interest thereon.

Such security may be taken on behalf of the barony by the secretary of the grand jury of the county.

For the purpose of taking such security, the person holding the 30 office of secretary of the grand jury of the county shall be a corporation sole, and shall have perpetual succession, with a capacity to acquire and hold lands, government securities, shares in any public company, securities for money, and real and personal property of every description, to sue and be sued, using an official 35 seal, to enter into engagements binding on himself and his successors in office, and to do all other acts necessary or expedient to be done in the execution of this Act.

Provision may be made by the Lord Lieutenant in any such instructions for all matters and things, whether of the same nature 40 as those above mentioned or different, which appear to the Lord

Lieutenant to be necessary or expedient for the purposes of such presentments. A.D. 1880.

So much of the provisions of the eleventh section of the Relief of Distress (Ireland) Act, 1880, as relates to the powers of the Lord Lieutenant, and to the instructions issued by him, and also the provisions of the twelfth, fourteenth, fifteenth, and sixteenth sections of the said Act, shall apply to all presentments made at any extraordinary presentment sessions convened in accordance with this Act.

5. The Commissioners of Public Works may, if they think fit, from time to time, with the consent of the Treasury, out of any moneys placed at their disposal by Parliament for the making of loans or grants, apply such sums not exceeding in all the sum of *thirty thousand pounds* as the Treasury may sanction for the purposes of the Fishery Piers Act, to be expended in the manner therein mentioned, but subject to the conditions of this Act. Powers of Board of Works.

Provided that the power conferred upon the Commissioners by this section shall only be exercised with reference to works for which an application by memorial under the Fishery Piers Act shall have been made before the passing of this Act or for which an application by memorial shall be made after the passing of this Act and before the *thirtieth day of September one thousand eight hundred and eighty*.

6. When any person interested in the execution of any work which might be executed under the Fishery Piers Act pays to the Commissioners of Public Works one fourth part of the cost of such work as estimated by the Commissioners, and when an extraordinary meeting of the Baronial Presentment Sessions of any barony convened by the Lord Lieutenant under the authority given him by the Relief of Distress (Ireland) Act, 1880, makes a presentment charging the barony with one fourth part of any amount by which the actual cost of such work when completed shall exceed the estimated cost of such work, payable by such instalments and with such interest as the Lord Lieutenant in his instructions to such Baronial Presentment Sessions may authorise them to present, the Commissioners may, with the consent of the Treasury, publish in the Dublin Gazette or otherwise, as they shall think fit, a notice of their intention to undertake such work, which notice shall be instead of, and shall have all the force and effect of the final notice mentioned in the sixteenth section of the Fishery Piers Act. Terms upon which Commissioners may undertake works.

Provided always, that such notice may be published in any case in which the Treasury shall think fit to accept and signify their approval of any other security for the repayment of such one-fourth

4 *Relief of Distress (Ireland) Act (1880), Amendment.* [43 VICT.]

A.D. 1880. part of the excess of the actual above the estimated cost of such work in lieu of the security of a presentment of baronial presentment sessions.

Before publishing such notice the Commissioners may, if they think fit, do any matter or thing, and shall have and may if they think fit exercise any right, power, or authority in connexion with such work, which they might do or would have with reference to any of the proceedings preliminary to the publication of the final notice mentioned in the Fishery Piers Act if the work were undertaken in strict compliance with the said Act. 10

The provisions contained in the following sections of the Fishery Piers Act, that is to say, section four, sub-section four, section five, and sections ten to fifteen, both included, relative to proceedings preliminary to the publication of such notice, shall not apply to any such work. 15

Power to undertake works.

7. At any time after the publication by the Commissioners of Public Works of any such notice as is mentioned in this Act the Commissioners may commence and proceed with the works proposed to be executed and to which such notice relates.

The Commissioners may, if they think fit, do any matter or thing, and shall have and may if they think fit exercise any right, power, or authority with reference to such work, which they might do or would have if the work were undertaken in strict compliance with the Fishery Piers Act, and all the enactments contained in that Act, save so far as they are modified by this Act, shall apply as nearly as may be with reference to any such work. 20 25

Management and maintenance of works when constructed.

8. When such work has been constructed, all the provisions of the Fishery Piers Act and of the Act of the session of Parliament held in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter one hundred and thirty-six, as amended by any Act or Acts, shall apply to such work as if it was a pier constructed in strict compliance with the Fishery Piers Act. 30

Supplementary provisions as to presentments.

9. The Commissioners of Public Works shall from time to time, for the purpose of enforcing any presentment made by the baronial presentment sessions of any barony charging the barony with any sum according to the provisions of this Act, make out before each assizes a certificate for each county in which such presentment has been made, specifying the amount then properly chargeable upon the barony under such presentment, and shall transmit the certificate to the secretary of the grand jury, to be laid before the grand jury, and thereupon the grand jury shall, without any 35 40

previous application to presentment sessions, make a presentment  
for the amount specified in such certificate as payable by such  
barony, or, in default of such presentment, the amount shall be  
raised off the barony by an order of the judge of assize, which order  
5 shall have the force of a presentment. The amounts raised under  
such presentments shall be paid to the Commissioners of Public  
Works in such manner as the Treasury shall direct.

A.D. 1880.

10. In this Act the term "the Fishery Piers Act" means the Act  
passed in the session of Parliament held in the ninth and tenth  
10 years of the reign of Her present Majesty, chapter three, as altered  
or amended by any Act or Acts.

Intrepreta-  
tion.

The term "Commissioners of Public Works" means the Com-  
missioners of Public Works in Ireland.

15 The term "the Lord Lieutenant" means the Lord Lieutenant or  
other Chief Governor or Governors of Ireland for the time being.

The term "the Treasury" means the Commissioners of Her  
Majesty's Treasury.

**Relief of Distress  
(Ireland) Act (1880)  
Amendment.**

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A

**B I L L**

To amend the Relief of Distress (Ireland) Act, 1880; and for other purposes relating thereto.

*(Prepared and brought in by  
Mr. Forster and Lord Frederick Cavendish.)*

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*Ordered, by The House of Commons, to be Printed,  
2 June 1880.*

---

[Bill 205.]

*Under 1 or.*

A

# B I L L

[AS AMENDED IN COMMITTEE].

TO

Amend the Relief of Distress (Ireland) Act, 1880; and for A.D. 1880.  
other purposes relating thereto.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as the Relief of Distress (Ireland) Short title.  
Amendment Act, 1880.

2. Whereas by the seventeenth section of the Relief of Distress (Ireland) Act, 1880, it is enacted that the Commissioners of Church Temporalities in Ireland shall advance to the Commissioners of Amendment  
of Relief of  
Distress Act.  
10 Public Works, out of any moneys at their disposal or which they may raise on the security of their annual income, such sum or sums not exceeding in the whole the sum of seven hundred and fifty thousand pounds as the Commissioners of the Treasury may from time to time direct, and whereas the said limited sum has been  
15 found insufficient for the purposes of the Act: And whereas it is desirable to enable the Commissioners of Public Works on the recommendation of the Local Government Board to advance moneys by way of grant to the board of guardians in any union authorised to give out-door relief under section three of the Relief  
20 of Distress, Ireland, Act, 1880, subject to the restrictions and conditions herein-after set forth :

Therefore, the seventeenth section of the said Act shall be construed as if the words one million five hundred thousand pounds were therein substituted for the words seven hundred and fifty  
25 thousand pounds: And with the view of facilitating the raising of the said increased sum, the Commissioners for the Reduction of the

[Bill 265.]

A

A.D. 1880. — National Debt and the Commissioners of Church Temporalities may from time to time vary the terms for the repayment of any loan made or to be made by the Commissioners for the Reduction of the National Debt, and the security for such loan : And the Treasury may, if they think fit, from time to time continue their guarantee 5 to the loan and security varied as aforesaid.

The Commissioners of Public Works in Ireland may from time to time on the recommendation of the Local Government Board grant to the board of guardians in any union authorised to give out-door relief under the third section of the Relief of Distress, 10 Ireland, Act, 1880, out of the said sum of one million five hundred thousand pounds, such moneys as the Local Government Board may find necessary, having regard to the financial condition of such union and the pressure of distress within its limits, to aid in giving out-door relief in such union : Provided that the entire sum to be 15 so granted shall not exceed two hundred thousand pounds.

Powers of  
Board of  
Works.

3. The Commissioners of Public Works may, if they think fit, from time to time, with the consent of the Treasury, out of any moneys placed at their disposal by Parliament for the making of loans or grants, apply such sums not exceeding in all the sum of 20 forty-five thousand pounds as the Treasury may sanction for the purposes of the Fishery Piers Act, to be expended in the manner therein mentioned, but subject to the conditions of this Act.

Provided that the power conferred upon the Commissioners by this section shall only be exercised with reference to works for 25 which an application by memorial under the Fishery Piers Act shall have been made before the passing of this Act or for which an application by memorial shall be made after the passing of this Act and before the thirtieth day of September one thousand eight hundred and eighty.

30

Terms upon  
which Com-  
missioners  
may under-  
take works.

4. When any person interested in the execution of any work which might be executed under the Fishery Piers Act pays to the Commissioners of Public Works one fourth part of the cost of such work as estimated by the Commissioners, they may, with the consent of the Treasury, publish in the Dublin Gazette or otherwise, 35 as they shall think fit, a notice of their intention to undertake such work, which notice shall be instead of, and shall have all the force and effect of the final notice mentioned in the sixteenth section of the Fishery Piers Act.

Before publishing such notice the Commissioners may, if they 40 think fit, do any matter or thing, and shall have and may if they



think fit exercise any right, power, or authority in connexion with such work, which they might do or would have with reference to any of the proceedings preliminary to the publication of the final notice mentioned in the Fishery Piers Act if the work were undertaken in strict compliance with the said Act. A.D. 1880.

The provisions contained in the following sections of the Fishery Piers Act, that is to say, section four, sub-section four, section five, and sections ten to fifteen, both included, relative to proceedings preliminary to the publication of such notice, shall not apply to any such work.

5. At any time after the publication by the Commissioners of Public Works of any such notice as is mentioned in this Act the Commissioners may commence and proceed with the works proposed to be executed and to which such notice relates. Power to undertake works.

15 The Commissioners may, if they think fit, do any matter or thing, and shall have and may if they think fit exercise any right, power, or authority with reference to such work, which they might do or would have if the work were undertaken in strict compliance with the Fishery Piers Act, and all the enactments contained in that Act, save so far as they are modified by this Act, shall apply as nearly as may be with reference to any such work.

6. When such work has been constructed, all the provisions of the Fishery Piers Act and of the Act of the session of Parliament held in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter one hundred and thirty-six, as amended by any Act or Acts, shall apply to such work as if it was a pier constructed in strict compliance with the Fishery Piers Act. Management and maintenance of works when constructed.

7. The fourth and fifth sections of the Relief of Distress (Ireland) Act, 1880, shall be amended as follows; (that is to say,) Amendment of terms of loans to boards of guardians.

30 (1.) The term for which money may be borrowed by the board of guardians of any union authorised to give out-door relief under the third section of the Relief of Distress, Ireland, Act, 1880, shall be extended to twelve years. The rate of interest at which the Commissioners of Public Works may lend to any such board of guardians shall be reduced to one per centum per annum; and, in the case of any loan by the Commissioners of Public Works to any such board of guardians, the payment of the first instalment payable in respect of such loan may, with the consent of the Treasury, be postponed for any period not exceeding two years from the making of the loan, and no interest shall

[265.]

A 2

A.D. 1880.

be charged on such loan during any such period of postponement of payment of the first instalment :

- (2.) The board of guardians of any union authorised as aforesaid, and which has contracted any loan for the purpose of giving out-door relief under the provisions of the said Act, may borrow money under the provisions of this section to pay off such loan :
- (3.) So much as may be necessary of the said sum of one million five hundred thousand pounds payable by the Commissioners of Church Temporalities to the Commissioners of Public Works shall be applied by the Commissioners of Public Works in making good any advance by way of loan which they may make to a board of guardians under the authority of the Relief of Distress (Ireland) Act, 1880, as amended by this Act.

The provisions of the nineteenth section of the Relief of Distress (Ireland) Act, 1880, shall apply to the repayment of all amounts advanced as last aforesaid by way of loan to board of guardians as fully as if such advances had been specified in that section.

Funds for  
preliminary  
expenses of  
loans.

8. In addition to the sum of five thousand pounds which it is provided by the fifteenth section of the Act of the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, may be advanced by the Treasury to the Commissioners of Public Works in any one year, to be applied by them in making the necessary survey, inspection, and investigation, and in taking all other proceedings preliminary to making any loan or advance as therein mentioned, the Commissioners of Public Works may, at any time before the thirty-first day of March next after the passing of this Act, with the consent of the Treasury, out of any moneys placed at their disposal by Parliament for the making of loans, apply the further sum of five thousand pounds, or such other sum as the Treasury may from time to time deem necessary, for defraying the expenses mentioned in the said section.

Grant of  
out-door  
relief.

9. The Local Government Board shall, up to the first day of March one thousand eight hundred and eighty-one, be entitled to authorise the grant of out-door relief in food and fuel, or either, by order for the time and subject to the power of revocation stated in section three of the Relief of Distress (Ireland) Act, 1880, and the said section three shall be read and construed in all respects as if the said first day of March one thousand eight hundred and

eighty-one had been there inserted instead of the thirty-first day of December one thousand eight hundred and eighty. A.D. 1880.

10. Whenever by any award or otherwise the rent of any tenant shall be increased by reason or in respect of any works executed on his holding under the Relief of Distress, Ireland, Act, 1880, then, and in every such case, the works so executed shall, so far as such increase shall be paid by such tenant or his successor in title, be deemed to be improvements made by such tenant within the meaning of the fourth section of the Landlord and Tenant (Ireland) Act, 1870.
- 10 Act, 1870.

Definition of  
improve-  
ments under  
s. 4. of the  
Landlord  
and Tenant  
(Ireland)  
Act, 1870.

11. In this Act the term "the Fishery Piers Act" means the Act passed in the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty, chapter three, as altered or amended by any Act or Acts.
- 15 The term "Commissioners of Public Works" means the Commissioners of Public Works in Ireland.

Intrepreta-  
tion.

The term "the Lord Lieutenant" means the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being.

The term "the Treasury" means the Commissioners of Her Majesty's Treasury.

20 Majesty's Treasury.

**Relief of Distress  
(Ireland) Act (1880)  
Amendment.**

---

A

**B I L L**

[AS AMENDED IN COMMITTEE]

To amend the Relief of Distress (Ireland) Act, 1880 ; and for other purposes relating thereto.

*(Prepared and brought in by  
Mr. Forster and Lord Frederick Cavendish.)*

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*Ordered, by The House of Commons, to be Printed,  
12 July 1880.*

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[Bill 265.]

*Under 1 oz.*

LORDS AMENDMENTS  
TO THE  
**RELIEF OF DISTRESS (IRELAND) BILL.**

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*Note.—The page and line refer to the Bill (19.) as first printed  
by the Lords.*

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*Page 3.*

Line 4, after (“contracted”) insert (“by boards of guardians”).

*Page 5.*

Line 35, after (“said”) insert (“Land Improvement”)

*Page 5.*

Line 38, leave out the last paragraph of clause 9.

*Page 6.*

Line 25, after (“in”) insert (“some of”)

*Page 9.*

Line 21, leave out from the first (“the”) to the end of the paragraph, and insert (“sixty-sixth section of the Landlord  
“and Tenant (Ireland) Act, 1870, relative to the payment  
“of grand jury cess in certain cases, and to the making of  
“deductions from rent on account of such payments, shall  
“apply to the cess payable in respect of such hereditaments  
“under any presentment made pursuant to this Act, whether  
“such hereditaments are held under a tenancy created  
“before or after the passing of the said Landlord and Tenant  
“(Ireland) Act, 1870”)

*Page 10.*

Line 8, leave out (“and his assistants”)

*Page 10.*

Line 35, after (“authorities”) insert (“and to county officers”).

**LORDS AMENDMENTS**

**TO THE**

**RELIEF OF DISTRESS (IRELAND)  
BILL.**

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*Ordered, by The House of Commons, to be Printed,  
8 March 1880.*

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**[Bill 105.]**

*Under 1 oz.*

A

# B I L L

TO

Amend the Representation of the People (Scotland) Act, A.D. 1880.  
1868.

**W**HEREAS questions have arisen upon the occupation of houses  
in counties required by the sixth section of the Representation  
of the People (Scotland) Act, 1868 : 31 & 32 Vict.  
c. 48.

Be it therefore enacted by the Queen's most Excellent Majesty,  
5 by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled, and  
by the authority of the same, as follows :

1. This Act shall be cited for all purposes as the House Occu- Short title.  
piers in Counties Disqualification Removal (Scotland) Act, 1880.

10 2. *From and after the passing of this Act* every man shall be Letting as  
entitled to be registered and to vote under the provisions of the said furnished  
section, notwithstanding that during a part of the qualifying period, house for  
not exceeding *four months* in the whole, he shall by letting or other certain  
wise have permitted the qualifying premises to be occupied as a periods not  
15 furnished house by some other person. to disqualify.

[Bill 208.]







SESS. 2.

**Representation of the  
People (Scotland) Act  
(1868) Amendment.**

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A

**B I L L**

To amend the Representation of the  
People (Scotland) Act, 1868.

*(Prepared and brought in by  
Mr. M'Lagan, Colonel Alexander, and  
Mr. Robert Duff).*

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*Ordered, by The House of Commons, to be Printed,  
3 June 1880.*

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[Bill 208.]  
*Under 1 oz.*

A

# B I L L

TO

Make provision for Holidays in the Customs and Inland  
Revenue Offices in Scotland.

A.D. 1880.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5    1. *From and after the passing of this Act*, the several days, each and every of them, mentioned in the schedule to this Act shall, subject to the provisions of sections four and five of the Bank Holidays Act, 1871, be kept as public holidays in the Customs and Inland Revenue Offices in Scotland, and the anniversary of the  
10 coronation of Her Majesty and her successors and the birthday of the Prince of Wales shall no longer be kept as holidays in any Inland Revenue Office in Scotland.

Holidays to  
be kept in  
Customs  
and Inland  
Revenue  
Offices in  
Scotland.

2. This Act may be cited as the Revenue Offices (Scotland) Holidays Act, 1880.

Short title.

A.D. 1880.  

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## SCHEDULE.

### CIVIL SERVICE HOLIDAYS IN SCOTLAND.

NEW YEAR'S DAY.

CHRISTMAS DAY.

If either of the above days falls on a Sunday the 5  
following Monday shall be a holiday.

GOOD FRIDAY.

HER MAJESTY'S BIRTHDAY.

THE FIRST MONDAY IN MAY.

THE FIRST MONDAY IN AUGUST.

10



## **Revenue Offices (Scotland) Holidays.**

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A

# **B I L L**

To make provision for Holidays in the  
Customs and Inland Revenue Offices  
in Scotland.

*(Prepared and brought in by  
Mr. James Stewart, Dr. Cameron, and  
Mr. Richard Campbell.)*

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*Ordered, by The House of Commons, to be Printed,  
5 July 1880.*

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[Bill 254.] +  
*Under 1 oz.*

A  
B I L L

TO

Amend the Law in regard to charging Road Debts on A.D. 1880.  
Entailed Estates in Scotland.

**W**HEREAS it is expedient that the provisions of the seventieth section of the Roads and Bridges (Scotland) Act, 1878, should be extended to, debts affecting turnpike roads and bridges made or built prior to the passing of the Act of the first and second 5 years of the reign of His Majesty King William the Fourth, chapter forty-three, as well as to debts affecting turnpike roads and bridges made or built subsequently to the passing of the last-mentioned Act:

Be it enacted by the Queen's most Excellent Majesty, by and 10 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The seventieth section of the Roads and Bridges (Scotland) Act, 1878, shall be read and construed as if the words "such debts" 15 included sums of money advanced by any person to the trustees acting under any Act of Parliament for the purpose of making or maintaining any turnpike road or building any bridge in Scotland, notwithstanding that such turnpike road was made or such bridge was built prior to the passing of the Act of the first and second 20 years of the reign of His Majesty King William the Fourth, chapter forty-three.

Amendment  
of section 70  
of Roads and  
Bridges  
(Scotland)  
Act, 1878.

[Bill 95.]







# **Road Debts on Entailed Estates (Scotland).**

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**A**

## **B I L L**

To amend the Law in regard to charging  
Road Debts on Entailed Estates in  
Scotland.

*(Prepared and brought in by  
Colonel Drummond Moray and Sir William  
Edmonstone.)*

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*Ordered, by The House of Commons, to be Printed,  
1 March 1880.*

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[Bill 95.]

*Under 1 oz.*

SALE OF INTOXICATING LIQUORS ON SUNDAY (No. 2)  
BILL, 1880.

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The hours during which public houses are at present open on Sunday are as follows :—

In the metropolitan district—

From one o'clock p.m. to three o'clock p.m.

From six o'clock p.m. to eleven o'clock p.m.

Elsewhere—

From half-past twelve o'clock p.m. to half-past two o'clock p.m.

From six o'clock p.m. to ten o'clock p.m.

It is proposed by this Bill to reduce the evening hours of opening in the metropolitan district, so that houses may remain open—

From seven o'clock p.m. until ten o'clock p.m.

and elsewhere, so that houses may remain open—

From seven o'clock until nine o'clock p.m.

It is proposed to prohibit any sale of intoxicating liquor during those hours, except the sale of beer, &c. for consumption off the premises, and except in the metropolitan district, and in large towns, the sale of liquors for consumption on the premises as part of a bonâ fide meal.

It is not proposed to alter the present law as regards a bonâ fide traveller, or as relates to railway refreshment rooms.



A

# B I L L

FOR

The closing of public houses in England and Wales on A.D. 1880.  
 Sunday, making provision for the sale of liquors during  
 certain hours for consumption off the premises.

**B**E it enacted by the Queen's most Excellent Majesty, by and  
 with the advice and consent of the Lords Spiritual and  
 Temporal, and Commons, in this present Parliament assembled,  
 and by the authority of the same, as follows :

- 5    1.—(1.) All premises in which intoxicating liquors are sold or ex- Hours of  
closing on  
Sunday.  
 posed for sale by retail shall be closed during the whole of Sunday,  
 except during the following hours in the afternoon ; namely,
- (a.) If the premises are situate in the metropolitan district, from  
           *one to three, and from seven to ten ;*
- 10    (b.) If the premises are situate elsewhere, from *half-past twelve*  
           *to half-past two, and from seven to nine ;*  
 and shall during these hours be closed for all purposes except the  
 following :
- i. The sale of beer, ale, porter, cider, or perry for consumption  
 15        off the premises ;
- ii. In the metropolitan district, and in any borough having by  
           the last census for the time being in force a population  
           of not less than one hundred thousand persons, the sale  
           for consumption on the premises of intoxicating liquor to  
 20        any person who purchases for consumption at the same  
           time articles of food of not less than equal value.
- (2.) The Licensing Acts, 1872 to 1874, shall apply in the case of  
 any premises closed under this Act as if they had been closed under,  
 by, or in pursuance of that Act, and nothing in this Act shall make  
 25    illegal any sale of intoxicating liquors which is legal during the  
 hours during which premises are closed under, by, or in pursuance  
 of those Acts.

[Bill 79.]

2      *Sale of Intoxicating Liquors on Sunday (No. 2).* [43 VICT.]

A.D. 1880.

—  
Commence-  
ment of Act.

2. This Act shall commence and come into operation on the  
*first day of January one thousand eight hundred and eighty-one.*

Extent of  
Act.

3. This Act shall not extend to Scotland or Ireland.

Short title.

4. This Act may be cited as the Sale of Liquors on Sunday Act,  
1880.

5



**Sale of Intoxicating  
Liquors on Sunday  
(No. 2).**

---

A

**B I L L**

For the closing of public houses in  
England and Wales on Sunday,  
making provision for the sale of  
liquors during certain hours for  
consumption off the premises.

*(Prepared and brought in by  
Mr. Pease, Viscount Castlereagh, and  
Mr. Tremayne.)*

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*Ordered, by The House of Commons, to be Printed,  
17 February 1880.*

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[Bill 79.]

*Under 1 oz.*





SESS. 2.

## Sale of Intoxicating Liquors on Sunday.

1

## B I L L

To prohibit the Sale of Intoxicating  
Liquors on Sunday.

(Prepared and brought in by  
Mr. Stevenson, Mr. Birley, Mr. James,  
Mr. Charles Wilson, and Mr. William M'Arthur.)

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*Ordered, by The House of Commons, to be Printed,*  
*21 May 1880.*

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[Bill 146.]

*Under 1 oz.*





SESS. 2.

**Sale of Intoxicating  
Liquors on Sunday  
(Wales).**

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A

**B I L L**

To prohibit the Sale of Intoxicating  
Liquors on Sunday in Wales.

*(Prepared and brought in by  
Mr. Roberts, Mr. Richard, Mr. Samuel Holland,  
Mr. Husey Vivian, and Mr. Watkin Williams.)*

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*Ordered, by The House of Commons, to be Printed,  
21 May 1880.*

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[Bill 131.]

*Under 1 oz.*

# Salmon and Freshwater Fishery Laws Amendment Bill.

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-





A  
B I L L

TO

Consolidate and amend the Salmon and Freshwater Fishery Laws of England and Wales. A.D. 1880.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5    1. This Act may be cited for all purposes as "The Salmon and Freshwater Fishery Law Consolidation Act, 1880." Short title.
2. This Act shall come into operation on the *first day of October one thousand eight hundred and eighty.* Commence-  
ment of Act.
- 10    3. This Act shall not extend to Scotland, except that the catch-ment basin of the river Esk with its tributary streams up to their source, shall be deemed to be within its limits, or to Ireland, or to the river Tweed as defined by "The Tweed Fisheries Amendment Act, 1859." Application  
of Act.  
24 & 25 Vict.  
c. 109. s. 2.  
28 & 29 Vict.  
c. 121. s. 63.

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PART I.

*Central Authority.*

- 15    4. The general superintendence of the fisheries subject to this Act shall be vested in the Secretary of State, and the Secretary of State shall appoint *two* inspectors of fisheries, assign to them their duties, and pay them such salaries as may from time to time be
- 20    *determined by the Commissioners of Her Majesty's Treasury.* The Secretary of State may from time to time remove the said inspectors and appoint other persons in their stead. The Secretary of State shall annually lay before Parliament reports from the said inspectors containing, as far as may be practicable, a statistical account of
- 25    the fisheries for the past year and other information as to the operation of this Act and the regulation and improvement of the fisheries. General  
superinten-  
dence of the  
fisheries by  
Secretary of  
State.  
24 & 25 Vict.  
c. 109. ss. 31,  
32.

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[Bill 137.]

A

A.D. 1880.

PART II.

*Fishery Districts.*

Formation of  
fishery dis-  
tricts.  
28 & 29 Vict.  
c. 121. ss. 4,  
5.

5. The justices of a county at any court of quarter sessions assembled, due notice having been previously given according to the practice of the said sessions, may, by writing under the hand of their chairman, apply to the Secretary of State to form into a fishery district all or any of the rivers lying wholly or partially within such county, and the Secretary of State may form such district or districts accordingly, and may include therein any river, rivers, or parts thereof not included in such application or not situated in the county on behalf of which such application is made. The boundaries of such district when so formed shall be defined in a certificate signed by the said Secretary of State by reference to a map or otherwise as to the said Secretary of State shall seem expedient.

Alteration of  
district.  
36 & 37 Vict.  
c. 71. ss. 5, 6.

6. A board of conservators, after giving *one month's* notice to any other board or boards affected thereby, may apply to the Secretary of State to alter the boundaries of their district or to combine their district with some other district or districts, and the Secretary of State may thereupon by his certificate enlarge, reduce, or alter the boundaries of such district, or combine such district with some other district or districts or parts of a district or districts, or form a new district out of a part of their district, either alone, or in combination with part or parts of another district or districts, or with a place or places not included in any district or districts, and may transfer and apportion any existing debts, mortgages, contracts, liabilities, and assets of any district or districts :

Provided that—

36 & 37 Vict.  
c. 71. s. 5.

(1.) No alteration of any district shall affect the powers of the board of conservators for that district until the new district is fully constituted :

Effect of  
alteration.  
36 & 37 Vict.  
c. 71. s. 6.

(2.) If the effect of the alteration is to add to any existing district a part or parts of another district or districts or a place not already included in a district, then the byelaws and scale of license duties in force in the district to which the addition is made shall apply to and be in force in the part or parts added to such district. But if the effect of such alteration is to combine two or more districts, then the byelaws and scale of license duties in force in each of the districts so combined shall continue in force in such parts of the combined district until the same have been revoked or altered by the board for the combined district :

- (3.) If the effect of the alteration is to include the whole or an additional part of a county, part only of which was previously included in such district, or the whole or part of a county no part of which was previously included in such district, or to exclude from such district the whole or part of a county that was previously included therein, the number of members of the board of conservators appointed by the court of quarter sessions in respect of such county or part of a county shall be continued, increased, diminished, or cease to be appointed, as the Secretary of State may appoint : A.D. 1880.  
36 & 37 Vict.  
c. 71. s. 6.
- (4.) If the effect of such alteration is to create a new district or districts, then the members of the board of conservators for such district or districts shall be appointed by the Secretary of State in manner herein-after provided for the appointment of boards of conservators in a new fishery district lying in more than one county. New district.
7. The Secretary of State shall cause notice of his intention to grant a certificate forming, altering, combining, or creating a fishery district to be given by advertisement in the London Gazette, one daily morning newspaper published in London, and one or more newspaper or newspapers published or circulating in the district or districts affected. Notices to be published.  
28 & 29 Vict.  
c. 121. s. 5.  
36 & 37 Vict.  
c. 71. s. 7.

### PART III.

#### *Boards of Conservators.*

8. A board of conservators shall be a body corporate, having perpetual succession and a common seal, with power to make contracts and to sue and be sued in a common name, and to hold lands without any further license than is given by this Act. Boards of conservators.  
28 & 29 Vict.  
c. 121. s. 21.
9. In every fishery district every person who possesses either of the following qualifications : Ex-officio conservators.  
36 & 37 Vict.  
c. 71. ss. 26, 27, 28.
- (1.) Is the owner or occupier of a fishery or fisheries in such fishery district which is or are separately assessed to the rate for the relief of the poor on a gross estimated rental of *thirty pounds* a year :
- (2.) Is the owner of lands in such fishery district of an annual value of not less than *four hundred pounds*, having a frontage of not less than *one mile* to any salmon river, in ascertaining such distance the frontage on both sides of

4 *Salmon and Freshwater Fishery Laws Amendment.* [43 VICT.]

A.D. 1880.

the river shall be counted, having the exclusive right of fishing in the part of the river adjoining such frontage, and being a licensee during the time at which he acts as an ex-officio member, if license duties are at that time payable in such district,

5

shall be an ex-officio member of the board of conservators.

36 & 37 Vict.  
c. 71. s. 27.  
Provision for  
persons  
under dis-  
ability.

Provided that if any person possessing either of the said qualifications is a minor, idiot, lunatic, feme covert, co-parcener, or under any legal disability, or a corporation, company, or fishing association, one of the guardians or trustee of such minor, the committee of the estate of such idiot or lunatic, the husband of such feme covert, the agent of such co-parcener, such one of the members or other person appointed from time to time by such corporation, committee, or association shall be entitled to act as an ex-officio member of such board :

15

36 & 37 Vict.  
c. 71. s. 28.  
Ex-officio  
member to  
sign a de-  
claration.

Provided also, that no person shall be entitled to act as an ex-officio member of such board unless previously to so acting he shall sign a declaration in such form as the board may prescribe setting forth his qualification as an ex-officio member, and any person making any false declaration or neglecting or refusing to make such declaration shall be liable to a penalty not exceeding *five pounds*. Every ex-officio member shall be entitled to act so long only as he continues to be duly qualified. Provided that in no case shall both the owner and occupier of the same fishery be entitled to act at the same time as an ex-officio member in respect of the same fishery or fisheries, and if there be more than one owner or occupier of the same fishery only one of such owners or occupiers shall be entitled to act at one time as an ex-officio member.

20

25

If district  
lies wholly in  
one county.  
Elected  
members.  
28 & 29 Vict.  
c. 121. s. 6.

10. The justices of any county that lies wholly or partly within a fishery district shall at the Epiphany quarter sessions in every year *after the passing of this Act* elect such number of members of the board of conservators as is herein-after provided ; (that is to say,) if the fishery district lies wholly within the limits of one county, such justices shall at the first convenient quarter sessions after the formation of the district appoint such number of elected members as they may determine and shall fix the time and place for the first meeting of such board. If the fishery district does not lie wholly within the limits of one county, then the Secretary of State shall in the certificate forming such district state the following things ; (that is to say,)

40

(a.) The number of elected conservators to be appointed, specifying the number to be appointed by each county :

(b.) The time and place at which the first meeting of the board is to be held : A.D. 1880.

(c.) The county by the quarter sessions of which the accounts of the board are to be audited, herein-after referred to as the audit county :

And the following rules shall apply :

- (1.) The Secretary of State may, on the application of the justices in quarter sessions assembled of any county lying wholly or partly within the district, *one month's* notice of such application having been previously given to the board of conservators of the district, or on the application of the board of conservators of the district, increase or diminish the number of conservators elected for any county : 36 & 37 Vict. c. 71. s. 9. Power to alter number of elected members.
- (2.) The elected members of a board of conservators shall hold office until the Epiphany quarter sessions or the January meeting of the town council next after their nomination, and at the Epiphany quarter sessions and January meeting of the town council the justices for each county and the town council for each city which is a county shall annually elect the members for such county and city, and in the case of a board which has been formed by a joint fishery committee or by the Secretary of State in the proportion fixed by such joint fishery committee or the Secretary of State. Retiring members shall be eligible for re-election, and if at the time when any annual election ought to take place no such election is made the retiring conservators shall hold office for another year : 28 & 29 Vict. c. 121. s. 15. Tenure of office by conservators.
- (3.) Notice of the first and every subsequent appointment of the elected members of a board of conservators, specifying the names and addresses of the persons appointed, if the members of the board are nominated by the justices of a single county, shall be advertised by the clerk of the peace for that county in some newspaper published or circulated in that county, and in the case where the members of the board are appointed by the justices of several counties, a notice specifying the names and addresses of the persons elected by each county shall be advertised by the clerk of the peace for that county and the town clerk of every city which is a county in the district in some newspaper published or circulated in that county or city. And a copy of such notice shall be sent by each of such clerks of the peace and town clerks to the clerk of the board of con-

A.D. 1880.

servators within *fourteen* days from the date of such election.

Representative members.

36 & 37 Vict. c. 71. s. 29.

11. In all fishery districts in any part of which any public or common rights of fishing for salmon, char, or trout are exercised by any duly licensed mode, except by rod and line, the persons who have paid license duty during the preceding season to fish in such public or common waters, or both, for any mode of fishing other than by rod and line, shall be entitled to elect such number of members to represent them on the board of conservators for such district as is herein-after mentioned ; (that is to say,) 10

If the aggregate amount of such license duty does not exceed the sum of *fifty pounds* - - - - *one* member.

If the aggregate amount of such license duty exceeds the sum of *fifty pounds* and is less than *one hundred pounds* - *two* members.

And *one* additional member for each additional *fifty pounds* or 15 part of *fifty pounds*.

36 & 37 Vict. c. 71. s. 30. Election of representative members.

The election of such representative members shall be held in accordance with the following rules ; (that is to say,)

- (1.) At the first meeting of the board of conservators after the commencement of the annual close time in each year the clerk shall certify the amount of license duty paid for fishing in public or common waters and the number of representative members to be elected for the ensuing year : 20
- (2.) The returning officer shall at such time in the month of *December* as he shall appoint send by post to the address in the license book of each person entitled to vote who resides in or is the owner of lands within or within *ten miles* of the boundary of the district in respect of which the license was issued a nomination paper in the form contained in the First Schedule hereto : 30
- (3.) Any person entitled to vote may fill up such nomination paper with his own name or with the name or names of any other person or persons not exceeding the number to be elected, and shall return the nomination paper by post to the returning officer within *seven days* from the date thereof : 35
- (4.) The returning officer shall send by post a notice in the form in the First Schedule hereto to each person nominated, requiring such person to return to him by post the form attached to such notice within *seven days* from the date of such notice : 40
- (5.) If the person nominated declines to offer himself for election, or if he neglects to return the notice to the returning officer

within the *seven days*, his nomination shall be void, and the returning officer shall proceed as if such person had not been nominated : A.D. 1880.

- 5 (6.) If on the expiration of such *seven days* the number of persons duly nominated shall be the same or less than the number of persons to be elected, such persons shall be deemed to be duly elected for *one year*, or until the next annual election, and the returning officer shall certify them to be so under his hand :
- 10 (7.) If on the expiration of such *seven days* the number of persons duly nominated exceed the number of persons to be elected, the returning officer shall send by post a voting paper, in the form contained in the First Schedule hereto, to each person entitled to vote, and the voters shall return
- 15 the same by post within *seven days* from the date thereof to the returning officer :
- (8.) Each voter shall be entitled to vote according to the following scale :
- 20 If the license duty paid by him shall not exceed *one pound*, one vote :  
Exceeding *one pound* and not exceeding *two pounds*, two votes :  
Exceeding *two pounds* and not exceeding *five pounds*, three votes :  
25 Exceeding *five pounds* and not exceeding *ten pounds*, four votes :  
*Ten pounds* and upwards, *five* votes :
- 30 (9.) If any person entitled to vote shall not have received a voting paper he shall be entitled, on application to the returning officer before the day fixed for the return of the voting papers, to receive a voting paper ; but such paper must be returned to the returning officer on or before the day fixed for the return of the other voting papers :
- 35 (10.) The returning officer within *seven* days after the day fixed for the return of the voting papers shall cast up and ascertain the number of valid votes then received by him for each candidate, and the persons who have obtained the greatest number of such valid votes shall be deemed to be elected, and the returning officer shall certify them to be so under his hand :
- 40 (11.) If upon casting up the votes the returning officer finds that an equal number of valid votes have been given to *two* or more persons, *one* or more of whom only is entitled to be



A.D. 1880.

elected, he shall, in the presence of *two* or more witnesses, determine by lot which of such persons is or are elected, and the person or persons so determined shall be deemed to be a duly elected member or members for all intents and purposes as if he or they had obtained a majority of 5 votes at such election :

(12.) The returning officer shall immediately after ascertaining the result of the election make out a list containing the names of all the persons nominated, the names of those who retired, the names of the persons elected, and, in case 10 of a contest, the number of votes given to each person nominated, and shall sign and certify the same under his hand, and shall deliver such list with the nomination and voting papers to the board at their next meeting, and the same shall be open to inspection without payment by any 15 licensee at all reasonable times :

(13.) The returning officer shall send a copy of such list as afore-said by post to each person nominated, and shall publish the same in such newspaper or newspapers as he thinks fit :

36 & 37 Vict.  
c. 71. s. 31.  
Returning  
officer to  
recover ex-  
penses.

(14.) The returning officer shall make out an account of all 20 expenses incurred by him in conducting such election, and the same shall be laid before the board at the first meeting after such election ; the board may disallow any item which they consider excessive or illegal, and the amount found due shall forthwith be paid to the returning officer ; 25 and in default of payment the returning officer shall be entitled to recover the same from the board in a summary manner.

Casual  
vacancies to  
be filled up  
by the board.  
28 & 29 Vict.  
c. 121. s. 15.  
36 & 37 Vict.  
c. 71. s. 30.  
sub-s. 16.

12. Any casual vacancy among the elected or representative members of a board by death, resignation, or otherwise, may be filled 30 up by the board at the meeting at which such vacancy is announced, and the member chosen to fill such vacancy shall hold office for such time only as the vacating member would have held the same if no vacancy had occurred.

Proceedings  
of a board of  
conservators.

28 & 29 Vict.  
c. 121. s. 22

13. A board of conservators shall hold their first meeting in 35 each year at such time and place as the chairman of the board for the preceding year, or him failing the clerk of the board, shall appoint, and shall during the year meet from time to time for the despatch of business, and shall make such regulations with respect to the election of a chairman of their meetings, the summoning, 40 notice, place, management, and adjournment of their meetings, and

generally with respect to the transaction and management of business, including the quorum at meetings, as they may think fit, subject to the following provisions : A.D. 1880.

- 5 (1.) An extraordinary meeting may be summoned at any time by the chairman, or on the requisition of any three members of the board :
- (2.) The quorum to be fixed by the board shall consist of not less than *three* members :
- 10 (3.) Every question shall be decided by a majority of votes of the members voting on that question, and in the event of an equality of votes the chairman for the time being shall have a second or casting vote.

A board of conservators may appoint committees of their members, fix a quorum for each committee, and lay down rules for its guidance. Every question before a committee shall be decided by a majority of votes of the members voting on that question, and in the event of an equality of votes the chairman of the committee for the time being shall have a second or casting vote. Appointment of committees. 28 & 29 Vict. c. 121. s. 23.

14. A board of conservators shall have power within their district to do the following things or any of them ; (that is to say,) Enumeration of powers of boards of conservators. 28 & 29 Vict. c. 121. s. 27. 36 & 37 Vict. c. 71. s. 39.

- (1.) Subject to the rules herein-after contained, from time to time to make and revoke byelaws for the execution of this Act and for the better protection, preservation, and improvement of the fisheries within their districts upon all or any of the following subjects, that is to say :

(a.) To alter the commencement and termination of the annual close time for salmon as to the whole or part of their district, so that such annual close time when so altered shall not be less than *one hundred and fifty-four* days, and shall not commence later than the *first day of November* in any year : Annual close time.

(b.) To alter the commencement and termination of the close time for rods, so that such close time for rods shall not be less than *ninety-two* days, and shall not commence later than the *first day of December* in each year : Close time for rods.

(c.) To alter the commencement and termination of the close time for trout, so that such close time for trout shall not commence earlier than the *first day of September* nor later than the *first day of November* in each year, and shall not be less than *one hundred and twenty-three* days : Close time for trout. 39 & 40 Vict. c. 19. s. 4.

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B

10 *Salmon and Freshwater Fishery Laws Amendment.* [43 VICT.]

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Close time  
for fresh-  
water fish.  
41 & 42 Vict.  
c. 39. s. 11.

Weekly close  
time.  
36 & 37 Vict.  
c 71. s. 39.

Nets.

Mesh of nets.

Netting at  
mouths of  
streams.

Gaff.

Regulation  
of nets.

Night net-  
ting.

- (d.) To alter the commencement and termination of the close time for freshwater fish, so that such close time for freshwater fish shall not be less than *ninety-two* days :
- (e.) To alter the commencement and termination of the 5 weekly close time as to the whole or part of their district, so that such close time shall not exceed *forty-eight hours*, and that Sunday shall always form part of such weekly close time :
- (f.) To determine the length, size, and description of 10 nets, and the manner of using the same in fishing for salmon, char, trout, or freshwater fish. But nothing in this sub-section contained shall apply to any fixed engine certified to be privileged by the special Commissioners for Eng- 15 lish fisheries :
- (g.) To determine the maximum and minimum size of the mesh of nets that shall lawfully be used in fishing for salmon, char, trout, or freshwater fish :
- (h.) To prohibit the use of nets within a certain dis- 20 tance of the mouth of any river, and of the point of confluence of rivers in any part of their district not being a several fishery, with power to take all necessary steps to indicate such distance, and to erect, fix, and maintain posts, buoys, land- 25 marks, or other devices for that purpose :
- (i.) To determine the times during which it shall be lawful to use a gaff in connexion with a rod and line :
- (j.) To regulate the use of nets for fish other than 30 salmon, when such use is prejudicial to the salmon, char, trout, or freshwater fisheries, provided that nothing in this sub-section contained shall authorise anything to be done which shall affect any part of a river where there is a several right 35 of fishery, or any river or part of a river where the breadth at low water is greater than *six miles* :
- (k.) To prohibit the use in any inland water of any net, except a landing net or a net for taking eels, between the expiration of the *first hour after* 40 *sunset* and the commencement of the *last hour before sunrise* :

- (1.) Any such byelaw may apply to the whole or any part or parts of the district, or to the whole or any part or parts of the year, and may from time to time be revoked by any new byelaw : A.D. 1880.  
Application  
of byelaws.  
36 & 37 Vict.  
c. 71. s. 40.
- 5 (2.) To appoint from time to time, by writing under the hand of the chairman, a sufficient number of water bailiffs and other officers, pay them their salaries, and authorise them to exercise all or any of the powers herein-after contained ; to remove any water bailiff or officer so appointed : Pro-  
10 vided that nothing herein contained shall prevent the said board of conservators from obtaining the services of additional constables under the Act third and fourth Victoria, chapter eighty-eight, section nineteen, for the purpose of carrying out the provisions of this Act ; such constables  
15 when so appointed to have all the powers and privileges of water bailiffs, and to be paid for their services by the said board :
- (3.) To issue licenses for fishing for salmon, char, or trout, subject to the rules herein-after contained, and to the certificate  
20 of the Secretary of State as to the sums to be charged for such licenses : Issue  
licenses.
- (4.) To vary the license duties leviable within their district in respect of the time, place, and description of instrument  
25 used, and the duties leviable on similar instruments in different parts of their district, specifying in the license the portion of the district in which the said licensed instruments may be used, with power to impose different rates of duty in respect of the same kind of instrument, having regard to the time and place where it is used : Provided that  
30 no such variation shall come into force until the same has been certified by the Secretary of State :
- (5.) To levy, for the purpose of meeting any costs, charges, and expenses incurred in carrying the provisions of this Act  
35 into operation, additional license duties not exceeding in any one year *twenty-five per centum* of the sum paid by each person respectively, such additional duties to be payable at the same time and in addition to the ordinary license duties, and to be deemed to be part of the ordinary  
40 license duties ; and when such additional duties are leviable no license granted without payment thereof as well as the ordinary duties payable for such license shall be valid : Provided that no additional license duties shall be levied until the same have been certified by the Secretary of

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State: Provided also, that the certificate of the Secretary of State shall not be given to a scale of license duties, the variation of a scale of license duties, or the authority to levy additional license duties, unless and until the board has given such notice by such advertisement as the Secretary of State shall direct of their intention to apply for such certificate :

Mortgage  
license  
duties.  
28 & 29 Vict.  
c. 121. s. 28.

- (6.) To mortgage for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in carrying out the provisions of this Act the license duties authorised to be levied by them, or any other property belonging to them for such sum or sums of money and at such rate of interest as the board of conservators may determine. And for the purpose of securing the repayment of any sums of money so borrowed, together with such interest as aforesaid, the board may assign over to the persons by or on behalf of whom such sums are advanced the said duties and property or any part or parts thereof. And the clauses of the Commissioners Clauses Act, 1847, with respect to mortgages to be created by the Commissioners, shall form part of and be incorporated with this Act, and any mortgagee or assignee may enforce payment of his principal and interest by the appointment of a receiver : Provided that no such mortgage shall be made by any board of conservators until the Secretary of State has certified his approval of the same :

Purchase of  
dams.  
28 & 29 Vict.  
c. 121. s. 27.

- (7.) To purchase by agreement any dams, weirs, fishing weirs, fishing mill dams, fixed engines, obstructions, land, or hereditaments that they may deem it expedient to acquire for the benefit of the fisheries within their district, and for the purpose of this sub-section the provisions of the Lands Clauses Consolidation Act, 1845, as to the purchase of lands by agreement shall be deemed to be incorporated with and apply to this Act as if this Act was the special Act therein referred to :

36 & 37 Vict.  
c. 71. s. 49.  
Compulsory  
purchase of  
dams, &c.

- (8.) To purchase for the purpose of removal any weir, dam, fishing weir, fishing mill dam, fixed engine, artificial or natural obstruction which hinders or retards the passage of fish and which it is desirable should be removed in whole or in part, or any land required for making a fish pass and which the owner thereof is unable or unwilling to sell, or as to which the board of conservators cannot

agree with the owner as to the price to be paid for the purchase thereof, subject to the following rules : A.D. 1880.

- 5 (a.) The board shall give to the owner and occupier *one month's* notice in writing of their intention to present a petition to the Secretary of State praying to be allowed to put in force the powers of the Lands Clauses Consolidation Acts with respect to the taking and purchase of lands otherwise than by agreement in respect of such weir, dam, fishing weir, fishing mill dam, fixed engine, artificial or 10 natural obstruction or land and the premises used in connexion therewith :
- 15 (b.) At the expiration of such month the petition shall be presented to the Secretary of State supported by such evidence as he may require :
- 20 (c.) If the Secretary of State is of opinion after due inquiry that such purchase is desirable, and the board prove to the satisfaction of the Secretary of State that they are provided with funds sufficient to complete such purchase, he may empower the board by Provisional Order to put in force with reference to such lands and premises as are specified in such Order the powers of the Lands Clauses Consolidation Acts as to the purchase of 25 lands otherwise than by agreement with such conditions and modifications as he may direct :
- (d.) The board shall thereupon serve a copy of such order on the owner and occupier of the lands and premises mentioned in it :
- 30 (e.) Such Provisional Order shall have no validity until confirmed by Act of Parliament, and the Act confirming the same shall be deemed to be a Public General Act of Parliament, and the board shall thereupon be deemed to be the promoters of an undertaking to acquire the lands and premises 35 in the said Order mentioned :
- (f.) None of the powers given under this sub-section shall apply to any weir constructed under any Act of Parliament for the purpose of improving the navigation of any river or of supplying any 40 town with water :
- (9.) To attach fish passes to any dam, provided that no substantial injury be done thereby to the milling power or to the Attach fish passes.

14 *Salmon and Freshwater Fishery Laws Amendment.* [43 VICT.]

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24 & 25 Vict.  
c. 109. s. 23.

supply of water of or to any navigable river, canal, or inland navigation by such fish pass, and if any injury be done to the dam by affixing any such fish pass, any person sustaining any loss thereby may recover compensation for such injury, in a summary manner, from the board of conservators, affixing the same if proceedings for the recovery of the same are instituted within *two years* after the time at which the fish pass was first affixed to the dam: Provided that no such fish pass shall be attached to any dam unless the approval of the Secretary of State has been certified to the same, and such approval shall not be given unless the board prove to his satisfaction that they have, one month before making the application, served notice on the owner and occupier of such dam of their intention to apply for such certificate, and furnished them with a copy of the plan and section of the fish pass it is proposed to attach, provided also that the power hereby given to a board of conservators may also be exercised by the owner or occupier of a fishery:

Alteration of fish pass or free gap.  
28 & 29 Vict.  
c. 121. s. 32.

(10.) To alter any fish pass or free gap in their district that may in their opinion be capable of improvement, and the Secretary of State may by his certificate direct any alteration to be made or a new fish pass or free gap to be made in another site, and the board of conservators shall defray all costs, charges, and expenses attending the alteration or erection of any such fish pass or free gap:

Secretary of State may approve existing fish passes.  
36 & 37 Vict.  
c. 71. s. 52.

(11.) To apply to the Secretary of State to certify any existing fish pass, and when such certificate is granted such fish pass shall be deemed to be a fish pass within the meaning of this Act, although not constructed in the manner or by the parties herein mentioned or constructed before the Act was passed; and the Secretary of State on such application, or on the application of the owner of any fish pass, may certify any fish pass that now is or hereafter may be constructed if he is satisfied of the efficiency of such fish pass, in all respects and for all purposes in the same way as if the same had been constructed under the provisions of this Act:

Gratings.  
36 & 37 Vict.  
c. 71. s. 58.

(12.) After due notice to the owner and occupier of the premises affected, during such period as the board may prescribe, in each year place in any watercourse, mill-race, cut, leat, or other channel for conveying water from any river at or near the point of divergence from and return to such river or

- either of them, or in any other suitable place a grating of such form and dimensions as the said board may determine: Provided that nothing in this sub-section contained shall authorise any grating to be so placed as in any way to interfere with the effective working of any mill:
- 5 (13.) At their own cost when the Secretary of State has certified his approval thereof cause any watercourse, mill-race, cut, leat, or other channel to be widened so far as may be necessary to compensate for the diminution of any flow of water caused by the erection of any grating, or take some other means to prevent the flow of water being prejudicially diminished or otherwise injured:
- 10 (14.) Adopt any means the Secretary of State may certify for preventing the ingress or egress of fish into such streams as may in the opinion of the board be desirable, but so that no water rights used or enjoyed for manufacturing or agricultural purposes or drainage shall be prejudicially affected thereby:
- 15 (15.) To take legal proceedings for enforcing the provisions of this Act or otherwise as they may be advised:
- 20 (16.) To expend any moneys in their hands in any way not illegal that they may consider most conducive to the improvement of the fisheries of their district:
- 25 (17.) To appoint by writing under the hands of their acting chairman for the time being any person or persons who are hereby authorised at all times to enter upon any lands to inspect any weir, dam, fishing weir, fishing mill dam, fixed engine, obstruction, mill-race, river, or watercourse:
- 30 (18.) To permit by a special permission in writing under the hand of the chairman any person named in such writing for such time as therein mentioned to fish for, take, attempt to take, or have in his possession at any time of the year any unclean or unseasonable salmon, char, trout, young of salmon, char, trout, freshwater fish, elvers, or fish roe for such purposes as they may approve, and no person having such permission shall be liable to any of the penalties in this Act contained in respect of fishing for, taking, attempting to take, or having in his possession any such salmon, char, trout, young of salmon, char, trout, freshwater fish, elvers, or fish roe:
- 35 (19.) Generally to execute such works, do such acts, and incur such expenses as they may deem expedient to be executed, done, or incurred for the protection and improvement of

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Widening channels.  
36 & 37 Vict.  
c. 71. s. 59.

Gratings at the mouths of streams.  
36 & 37 Vict.  
c. 71. s. 60.

Take legal proceedings.  
28 & 29 Vict.  
c. 121. s. 27.  
36 & 37 Vict.  
c. 71. s. 23.

Enter and inspect weirs.  
36 & 37 Vict.  
c. 71. s. 56.

28 & 29 Vict.  
c. 121. s. 60.

Authorise possession of unseasonable fish, &c. for scientific purposes.

28 & 29 Vict.  
c. 121. s. 27.



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the fisheries within their district, the increase of fish, and the stocking of the water in their district therewith.

Provided that none of the powers hereby given to a board of conservators shall authorise anything to be done that may injuriously affect any navigable river, canal, or inland navigation: Provided also, that it shall not be lawful for a board of conservators to pay to any member of the board any salary, fees, or other remuneration for his acting in any way as a member of or under the board. But nothing herein contained shall apply to prevent a member of a board of conservators who is the owner or occupier of or interested in any lands or hereditaments acquired or injuriously affected by any act of the board receiving compensation from the board in respect of the same if such member does not vote in respect of the payment of any such compensation to himself: Provided also, that in all cases in which it is alleged that a board of conservators in executing the powers and authorities given to them by this Act have caused any damage to or injuriously affected any land or other hereditaments, and compensation in respect of such damage is claimed from the said board of conservators, if the said board and the person claiming the same are unable to agree upon the sum to be paid in respect of such compensation the same shall be settled in manner provided by the Lands Clauses Consolidation Acts.

Audit of accounts of the board.  
28 & 29 Vict.  
c. 121. s. 29.

**15.** An account of the receipts and disbursements of every board of conservators, in such form and with such particulars as may be required by the court of quarter sessions that appoints the board, or in the case of a board appointed by more than one county by the court of quarter sessions of the audit county, shall be laid before such court at the earliest practicable quarter sessions in each year, and the justices there assembled may disallow any item that they consider to be illegal.

Returns to Secretary of State.  
36 & 37 Vict.  
c. 71. s. 63.

**16.** The clerk of every board of conservators shall prepare and forward to the Secretary of State before such date as he shall from time to time appoint an annual return in such form and made up to such date as he shall require. Such return shall contain such information as the Secretary of State may from time to time direct.

Rules as to making bye-laws.  
36 & 37 Vict.  
c. 71. ss. 39, 41, 42, 43.

**17.** The following rules shall apply to the making, confirmation, and publication of any byelaw:

(1.) A notice of the intention to propose any byelaw shall be given in the notice convening the meeting at which such proposal is to be made. Such notice shall be issued *one fortnight* at least before the date of such meeting:

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- (2.) A byelaw having been duly agreed to by not less than *two thirds* of the members of the board present and voting on the question and reduced into writing shall be sealed with the seal of the board :
- 5 (3.) An advertisement shall be inserted in such newspaper or newspapers circulating in the district as the board may direct, stating the effect of such byelaw, that at the expiration of one month from the date of such advertisement application will be made to the Secretary of State to issue  
10 his certificate confirming such byelaw, that a copy of the byelaw will be open for inspection at the place or places named in the advertisement at all reasonable times without payment by all persons interested therein, and that a copy of the whole or any part of such byelaw can be  
15 obtained at such place or places by any person requiring the same on payment of *one penny* :
- (4.) After the expiration of *one month* from the date of such advertisement the clerk shall forward to the Secretary of State a copy of such byelaw, with a declaration under his  
20 hand that all the requirements of this Act have been complied with :
- (5.) The Secretary of State shall either confirm or disallow any byelaw, but before confirming or disallowing the same he may direct an inquiry into the same before such persons,  
25 and at such time and places, and after such notices as he shall appoint :
- (6.) If any owner, occupier of a fishery, or any licensee shall, by notice in writing to the Secretary of State, object to the confirmation of any byelaw, and give such security for the  
30 payment of costs as the Secretary of State may require, such owner, occupier, or licensee shall be entitled to have a public local inquiry held at such time and place within the district, after such notice and before such person or persons as the Secretary of State shall appoint, into the  
35 propriety and advisability of making such byelaw, and at such inquiry all persons interested shall be entitled to be heard, and after such inquiry the Secretary of State shall either disallow or confirm such byelaw :
- (7.) As soon as the Secretary of State has certified his confirmation of any byelaw the same shall be sent to the clerk of  
40 the board making the same, and such byelaw shall thereupon be printed, and copies thereof shall be published or circulated throughout the district in such manner as the

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board may direct, and no further evidence of its validity other than the seal of the board shall be required. Every clerk or distributor of licenses shall at all reasonable times, at his house or office, keep a copy of any byelaw open for the inspection of all persons interested, and the clerk of the Board shall, on demand, deliver a printed copy to every licensee without charge, and to any other person on payment of the sum of one penny :

- (8.) Any byelaw made and confirmed in accordance with the foregoing provisions shall be binding upon and be observed by all persons.

Powers of  
water bailiffs.  
36 & 37 Vict.  
c. 71. s. 36.

18. Any water bailiff within the limits of his district may do all or any of the following things ; (that is to say,)

- (1.) Examine any weir, dam, fishing weir, fishing mill dam, fixed engine, obstruction, or artificial watercourse connected with any river : 15
- (2.) Stop and search on any river any boat, barge, coracle, or other vessel used in fishing or which there is reasonable cause to suspect contains any fish :
- (3.) Require any person found fishing to produce his license : 20
- (4.) Search and examine all nets, baskets, bags, or other instruments used in fishing or in carrying fish by persons whom there is reasonable cause to suspect of having in their possession fish illegally caught or illegal instruments of fishing :
- (5.) Seize any fish, instrument of fishing, or other forfeitable article found in the possession, custody, or control of any person : 25
- (6.) For the enforcement of the provisions of this Act every water bailiff shall be deemed to be a constable and to have all the like powers and privileges and be subject to the like liabilities as a constable duly appointed now has or is subject to by virtue of the common law of the realm or any statute : 30
- (7.) The production of the instrument of his appointment executed in manner herein-before provided shall be a sufficient warrant for any water bailiff exercising the powers given to him by the first five sub-sections of this section : 35
- (8.) Any water bailiff or other officer of a board of conservators may, under a special order in writing signed by the chairman of such board for this purpose at all reasonable times enter, remain upon, and traverse any lands not being a dwelling-house or the curtilage thereof adjoining or near to 40

36 & 37 Vict.  
c. 71. s. 37.

any river for the purpose of preventing any breach of the provisions of this Act, and no water bailiff entering, remaining upon, or traversing any land in pursuance of such order shall be deemed a trespasser: Provided always, that this sub-section shall not apply to decoys or land used exclusively for the preservation of wild fowl, and that no such order shall remain in force for more than *two months* from the date thereof: A.D. 1880.

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- 10 (9.) Any justice of the peace, on application on oath by any water bailiff that he has good reason to suspect that acts in contravention of this Act are being done or likely to be done on any premises not being a dwelling-house situate on or near to any river, may by order under his hand authorise such water bailiff and other persons therein
- 15 mentioned, during such period not exceeding *twenty-four* hours as may be specified therein, to enter upon and remain on such premises during any hour of the day or night for the purpose of detecting the persons guilty of the aforesaid acts, and no water bailiff entering or remain-
- 20 ing on any such premises in pursuance of such order shall be deemed to be a trespasser:
- (10.) Any justice of the peace, upon information upon oath that there is probable cause to suspect any breach of the provisions of this Act to have been committed on any
- 25 premises, or any fish illegally taken, or any illegal nets or other engines to be concealed on any premises, may by warrant under his hand authorise and empower any water bailiff, constable, or police officer to enter such premises for the purpose of detecting such offences at such time
- 30 or times in the day or night as in such warrant may be mentioned, and to seize all illegal engines and fish illegally taken that may be found on such premises: Provided that no such warrant shall continue in force for more than *one week* from the date thereof:
- 35 (11.) Any police officer, officer of customs, railway inspector, or water bailiff may, between the *third day of September* and the *thirtieth day of April* following, open any parcel entered or intended for exportation or conveyance or brought to any railway station, office; quay, wharf, or other place, or that
- 40 may be on any ship, boat, carriage, cart, truck, or waggon, for that purpose, and suspected to contain salmon, char, or trout, and may detain any salmon, char, or trout found in such parcel until proof is given in manner provided by

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law of such salmon, char, or trout being such as may be legally exported or conveyed; and if the salmon, char, or trout before such proof is given become unfit for human food the same may be destroyed :

36 & 37 Vict.  
c. 71. s. 38.

- (12.) If any person between the expiration of the *first hour after sunset* on any day and the beginning of the *last hour before sunrise* on the following morning illegally takes or kills fish, or is found on or near any river with intent to illegally take or kill fish, or having in his possession for the capture of fish any instrument the use of which is prohibited by this Act or any fish roe, such person may be immediately apprehended without warrant by any police officer, water bailiff, or the owner of the property on which he is found or his servant or any person authorised by him, and forthwith taken before some justice of the peace to be dealt with according to law.

Rules as to  
licenses.  
28 & 29 Vict.  
c. 121. s. 34.

19. The following rules shall apply to licenses for taking salmon, char, or trout :

- (1.) The board shall, on their first appointment, give notice by advertisement in *one* or more newspaper or newspapers published or circulating within their district of a time not being less than three months after such appointment, at the expiration of which it will be illegal to fish in that district without a license, and shall state in the notice a place or places within the district where licenses may be procured :
- (2.) Licenses shall be granted by boards of conservators at such sums as may be fixed by the said board and certified by the Secretary of State to all persons using any instruments or devices whereby salmon, char, or trout are liable to be caught demanding to purchase the same and tendering to the persons appointed by the board to issue the same the sums fixed by the board as payable for such license without any question or objection whatsoever :
- (3.) Licenses shall be issued in such way as the board may from time to time direct. Licenses shall only be available within the fishery district for which they are granted. Licenses shall only be available for the instruments and the portion of the district named therein. Licenses shall only entitle the holders to fish for the period named therein, and in no case for more than a single season. Licenses to fish in public waters shall be available only for such waters.

Licenses to fish in private waters shall not be available in public waters, except licenses for the use of a rod and line :

- (4.) A license for taking salmon shall authorise the holder to take all other kinds of fish :
- 5 (5.) Licenses for the use of a rod and line or any movable net, engine, or device that is used by one person shall be only used by the persons to whom they are granted and shall in no case be transferable :
- 10 (6.) Licenses for fishing weirs, fishing mill dams, putts, putchers, fixed nets, fixed engines, and other fixed instruments or devices and movable nets used by more than one person shall be available only for the use of the persons to whom they are granted and for such instruments, devices, and modes of using the same as are named and described therein :
- 15 (7.) Licenses for movable nets or other movable instruments or devices used by more than one person shall be used only by the person to whom they are granted, his partner or servant, and in respect of the instrument for which they are granted. And the burden of proving any person to be the partner or servant of a licensee shall rest with the person who alleges the existence of such partnership or service :
- 20 (8.) Any person claiming to be entitled to an exclusive right of fishing in any river or part of a river may obtain a general license enabling him and any person authorised by him in writing under his hand, without any further license, to fish in any legal manner in such river or part of a river, but such license shall be of no validity beyond the limits specified in it. There shall be paid for such general license such sum as the board, with the sanction of the Secretary of State, may from time to time determine, having regard to the nature, extent, and productiveness of the fishery and the instruments and devices used therein :
- 25 (9.) No license issued in pursuance of this Act shall give to the holder any right to fish in any place or at any time in or at which the licensee is not otherwise entitled to fish, nor shall it imply any recognition of the legality or otherwise of any instrument or device in respect of which it is granted, or render legal anything that is illegal :
- 30 (10.) Any licensee producing his license, any water bailiff or conservator producing his instrument of appointment, or any

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constable may require any person fishing to produce his license, and any person fishing not producing his license on being so required, or not making a reasonable excuse for the non-production thereof, shall be liable to a penalty not exceeding *five pounds*.

5

Provisions as  
to the Severn  
navigation  
weirs.  
36 & 37 Vict.  
c. 71. s. 55.

20. Each of the dams and weirs constructed by the Severn Commissioners under the provisions of the Severn Navigation Acts, 1842 and 1853, or either of them respectively, shall be deemed to be a dam or weir within the meaning of this Act, and all the provisions herein contained shall apply thereto, and every fish pass now existing in the said dams or weirs or any of them, or which may be constructed therein, shall be deemed to be a fish pass within the meaning of this Act, and shall be maintained in an efficient state by the said Severn Commissioners.

10

## PART IV.

15

*Offences and Penalties.*

Fishing with  
lights, spears,  
&c.

24 & 25 Vict.

c. 109. s. 8.

28 & 29 Vict.

c. 121. s. 64.

36 & 37 Vict.

c. 71. s. 18.

sub-ss. 1, 7.

36 & 37 Vict.

c. 71. s. 39.

sub-s. 9.

Penalty on

using roe as

a bait.

24 & 25 Vict.

c. 109. s. 9.

28 & 29 Vict.

c. 121. ss. 60,

64.

36 & 37 Vict.

c. 71. s. 18.

sub-s. 7.

Penalty on

using certain

nets.

24 & 25 Vict.

c. 109. s. 10.

21. Every person who—

(1.) Uses any light, otter lath, jack, cross line, wire, snare, spear, gaff, strokehall, snatch, or other like instrument for catching or killing fish :

20

But this sub-section shall not apply—

(a.) To any person who uses a gaff as auxiliary to angling with a rod and line at a time during which its use is not prohibited by any byelaw made in pursuance of this Act :

25

(2.) Has in his possession any light, otter lath, jack, cross line, wire, snare, spear, gaff, strokehall, snatch, or other like instrument, under such circumstances as to satisfy the court before whom he is tried that he intended at the time to catch or kill fish by means thereof :

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(3.) Uses any fish roe for the purpose of fishing :

(4.) Buys, sells, exposes for sale, or has in his possession any fish roe intended to be used for fishing :

(5.) Fishes for, takes, or attempts to take salmon with any net having a mesh of less dimensions than two inches in extension from knot to knot (the measurement to be made

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on each side of the square) or eight inches measured round each mesh when wet: A.D. 1880.

- (6.) Places two or more nets behind or near to each other, covers the net with canvas, or uses any other artifice so as to practically diminish the mesh of the net used:

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But neither this or the last preceding sub-section shall apply—

- (a.) To any person who in any fishery district fishes for, takes, or attempts to take salmon with a net having a mesh that may lawfully be used for taking salmon within that district: 36 & 37 Vict. c. 71. s. 39. sub-s. 4.

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- (7.) Shoots or works any seine or draft net in a river across the whole width or more than three fourths of the width thereof within one hundred yards from the nearest point in the line of shot of any other seine or draft net worked in like manner and already shot or worked in such river before such last-mentioned net is fully drawn in and landed: No draft net to be shot within 100 yards of another until the latter is landed. 36 & 37 Vict. c. 71. s. 14.

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- (8.) Places or uses any fixed engine of any description whereby salmon may be caught, or for the purpose of facilitating the catching or detaining or obstructing the free passage of salmon: Placing or using fixed engines. 24 & 25 Vict. c. 109. s. 11. 28 & 29 Vict. c. 121. s. 39. 36 & 37 Vict. c. 71. s. 18. sub-s. 2.

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But this sub-section shall not apply—

- (a.) To any fixed engine certified by the Special Commissioners of English Fisheries to be a privileged fixed engine: 36 & 37 Vict. c. 71. s. 18. sub-s. 2.

25

- (b.) To any ancient right or mode of fishing lawfully in use in any one of the years one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, and which has not been disused for *twenty years*: 28 & 29 Vict. c. 121. s. 39.

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- (9.) Uses any dam for the purpose of catching or facilitating the catching of salmon, char, or trout: Penalty on using certain dams for catching salmon. 24 & 25 Vict. c. 109. s. 12.

35

But this sub-section shall not apply—

- (a.) To any fishing weir or fishing mill dam lawfully in use on *the sixth day of August one thousand eight hundred and sixty-one* by virtue of a grant, charter, or immemorial usage, if such fishing weir has therein such free gap as is herein-after mentioned, and such fishing mill dam has attached thereto a fish pass of such form and dimensions

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Penalty on fishing for salmon at mills or 50 yards above or 100 yards below a weir. 24 & 25 Vict. c. 109. s. 12. 36 & 37 Vict. c. 71. s. 17.

Penalty on taking unclean fish. 24 & 25 Vict. c. 109. s. 14. 36 & 37 Vict. c. 71. s. 18. sub-s. 3.

Penalty on taking the young of salmon. 24 & 25 Vict. c. 109. s. 15. 28 & 29 Vict. c. 121. s. 60. 36 & 37 Vict. c. 71. s. 18. sub-s. 5.

Disturbing fish when spawning.

as are certified by the Secretary of State, and such fish pass has constantly running through it such a flow of water as will enable salmon to pass up and down it :

- (10.) Fishes for, catches, kills, or attempts to catch or kill, 5  
except with a rod and line, scares or disturbs or attempts  
to scare or disturb any salmon within fifty yards above or  
one hundred yards below any weir, dam, or artificial  
obstruction which hinders or retards the passage of salmon,  
or in the head race or tail race of any mill, or in any 10  
water under or appurtenant to any mill, or in any waste  
race or pool communicating with any mill or mill race, or  
in any artificial channel connected with any mill, weir,  
or obstruction, or fishes with rod and line in any of the  
aforesaid places at such times or in such manner as to 15  
scare or hinder salmon passing through any fish pass or  
over any part of any weir or obstruction usually available  
to salmon for the purpose of a passage :

But this sub-section shall not apply—

- (a.) If such mill or dam has attached thereto a fish 20  
pass of such form and dimensions as has been or  
may be certified by the Secretary of State, and  
such fish pass has constantly running through  
it such a flow of water as will enable salmon to  
pass up and down it : 25  
(b.) To any legal fishing mill dam, not having a crib,  
box, or cruiue :  
(c.) To any fishing box, coop, apparatus, net, or mode  
of fishing in connexion with or forming part  
of any weir or obstruction for the purpose of 30  
fishing :

- (11.) Takes, destroys, kills, or injures, or attempts to take, destroy,  
kill, or injure, or buys, sells, or exposes for sale, or has in  
his possession any unclean or unseasonable salmon, char,  
trout, or freshwater fish or any part thereof: 35

But this sub-section shall not apply—

- (a.) To any person who accidentally takes such fish and  
forthwith returns the same to the water :  
(12.) Takes, destroys, kills, injures, or attempts to take, destroy,  
kill, or injure, or buys, sells, exposes for sale, or has in 40  
his possession the young of salmon :  
(13.) Disturbs, catches, or attempts to disturb or catch salmon,  
char, or trout when spawning, or when on or near their

- spawning beds, or disturbs or attempts to disturb any spawning bed or any bank or shallow on which the spawn of salmon, char, or trout may be : A.D. 1880.  
 But this sub-section shall not apply— 24 & 25 Vict.  
 c. 109. ss. 15,  
 16.  
 28 & 29 Vict.  
 c. 121. s. 60.
- 5 (a.) To any person acting in the exercise of a legal right to take materials from any stream :
- (14.) Fishes for, catches, or attempts to catch or kill salmon, Close time.  
 char, or trout during any of the following periods : 24 & 25 Vict.  
 c. 109. ss. 17,  
 21.  
 10 (a) in "The annual close time ;"  
 (b) in "The close time for rods ;"  
 28 & 29 Vict.  
 c. 121. s. 64.  
 (c) in "The close time for char or trout ;"  
 (d) in "The weekly close time " with any instrument or device other than a rod and line or with putts and putchers between the first day of May and 42 & 43 Vict.  
 c. 26. s. 2.  
 15 the first day of September both inclusive :
- (15.) Keeps or maintains after the expiration of thirty-six hours Removal of  
 from the commencement of "The annual close time " in fixed engines  
 the waters within his fishery the inscales, hecks, tops, and during close  
 rails of any cruives, boxes, or weirs and any planks and time.  
 20 temporary fixtures used for taking or killing salmon and 24 & 25 Vict.  
 c. 109. s. 20.  
 any other obstructions to the free passage of fish in or through the cruives, cribs, and boxes within his fishery :
- (16.) Neglects during "The weekly close time " to make and main- Free passage  
 tain a clear opening of not less than *eleven feet* in width from through cribs  
 the bottom to the top through all cribs, boxes, or cruives and boxes  
 25 used for taking salmon within his fishery, whether the during  
 same are used for the purpose of fishing or not, or neglects weekly close  
 to remove for the purpose of making such opening the time.  
 inscales and rails of all such boxes, cribs, or cruives : 24 & 25 Vict.  
 c. 109. s. 22.
- 30 (17.) Places any device or obstruction, uses any contrivance, or Interference  
 does any act during "The annual or weekly close time " with the  
 or the night time whereby the passage up and down a passage of  
 river of salmon or the young of salmon is obstructed or salmon.  
 deterred : 24 & 25 Vict.  
 c. 109. s. 15.  
 36 & 37 Vict.  
 c. 71. ss. 15,  
 16.
- 35 (18.) Fixes, hangs, or uses in any river between the *first day of* No eel bas-  
*January* and the *twenty-fourth day of June* inclusive any kets to be  
 baskets, nets, traps, or devices for catching eels, places fixed be-  
 in any inland water any device to obstruct fish descending tween 1st  
 the stream, or places on the apron of any weir any basket, January and  
 40 trap, or device for taking fish : 24th June.  
 36 & 37 Vict.  
 c. 71. s. 15.
- But this sub-section shall not apply—
- (a.) To any person using wheels or traps for taking.

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Penalty on  
selling fish  
during close  
time.

36 & 37 Vict.  
c. 71. s. 19.  
24 & 25 Vict.  
c. 121. s. 64.  
36 & 37 Vict.  
c. 71. s. 18.

Exportation  
of salmon.  
26 Vict. c. 10.  
s. 3.  
33 & 34 Vict.  
c. 33. ss. 3, 4.

lamprens between the *first day of August* and the *first day of March*, both inclusive :

- (b.) To any person using eel baskets not exceeding in any part *ten inches* in diameter constructed so as to be fished with bait, and not used at any dam 5 or weir :

- (19.) Buys, sells, or exposes for sale, or has in his possession for sale, any of the following fish during the times hereinafter respectively mentioned ; (that is to say,)

Salmon between the *third day of September* and the *first day of February* following, both inclusive :

Trout or char between the *second day of October* and the *first day of February* following, both inclusive :

But this sub-section shall not apply—

- (a.) To any person buying, selling, or exposing for sale, 15 or having in his possession for sale, any salmon which has been cured, salted, pickled, or dried beyond the limits of the United Kingdom :

- (b.) To any person buying, selling, exposing for sale, or having in his possession for sale, any salmon 20 which has been cured, salted, pickled, or dried within the limits of the United Kingdom between the *first day of February* and the *third day of November* in any year :

- (c.) To any person buying, selling, exposing for sale, 25 or having in his possession for sale, any clean fresh salmon caught within the limits of this Act, provided that its capture by any means other than rod and line was lawful at the time and place where it was caught : 30

- (d.) To any person buying, selling, exposing for sale, or having in his possession for sale, any clean fresh salmon caught beyond the limits of this Act, but within the United Kingdom, provided that its capture by any means other than rod and line 35 was lawful at the time when and place where it was caught :

- (e.) To any person buying, selling, exposing for sale, or having in his possession for sale, any clean fresh salmon caught in parts beyond the seas : 40

- (20.) Exports or enters for exportation, sends for conveyance or transit to any railway station or other place, any unclean or unseasonable salmon, char, or trout, or any salmon, char,

or trout caught during the time at which the sale of salmon, char, or trout is prohibited at the place where it is caught. A.D. 1880.

5

All salmon, char, or trout entered for exportation or sent for conveyance or transit between the *third day of September* and the *thirtieth day of April* following shall, until the contrary is proved, be deemed to be exported or entered for exportation in contravention of this sub-section :

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- (21.) Ships, exports, or brings for exportation, conveyance, or transit to any wharf, quay, railway station, or other place any salmon, char, or trout between the *third day of February* and the *twentieth day of April* following, without entering the same with the proper officer of customs at the port or place of intended exportation before shipment thereof, or declaring the same to be salmon, char, or trout to the person to whom such salmon, char, or trout is delivered for conveyance or transit :

Entering salmon for exportation.  
28 & 29 Vict.  
c. 121. s. 65.  
33 & 34 Vict.  
c. 33.

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- (22.) Does any act to prevent fish passing through any fish pass or whereby fish are obstructed or liable to be obstructed in using any fish pass, or whereby any fish pass is rendered less efficient, or alters the bed or banks of the river so as to render any fish pass less efficient, or uses any contrivance or does any act whereby fish are in any way liable to be scared, hindered, or prevented in passing through any fish pass, or takes or attempts to take any fish in their passage through any fish pass :

Injuring fish passes.  
24 & 25 Vict.  
c. 109. s. 23.  
36 & 37 Vict.  
c. 71. s. 48.

25

- (23.) Removes or permits to be removed any grating or any part of any grating during the period prescribed by the board of conservators for such grating to be maintained, injures or improperly opens, or permits to be injured or improperly opened, any grating erected under the authority of this Act :

Removing gratings.  
36 & 37 Vict.  
c. 71. s. 61.

30

- (24.) Does or attempts to do any act in contravention of any bye-law made in pursuance of this Act :

Breach of byelaws.  
36 & 37 Vict.  
c. 71. s. 39.

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- (25.) Refuses any inspector, water bailiff, or other duly authorised person access to any weir, dam, fishing weir, fishing mill dam, fixed engine, obstruction, river, or watercourse, refuses to permit any boat, barge, coracle, or other vessel to be stopped and searched by any water bailiff, resists or obstructs any water bailiff in any such search or examination, refuses to allow any water bailiff to search or resists or obstructs any water bailiff in searching and examining any nets, baskets, bags, or other instruments used for fishing or carrying fish, or in seizing any articles forfeitable under this Act :

Resistance to water bailiff.  
36 & 37 Vict.  
c. 71. ss. 36,  
56.

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- A.D. 1880. —  
Offences at night.  
36 & 37 Vict.  
c. 71. s. 38.
- (26.) Illegally takes or kills salmon, char, or trout, or is found near any river with intent illegally to take or kill any salmon, char, or trout, or in possession of any instrument for the capture of salmon, char, or trout, the use whereof is prohibited by this Act between the expiration of the first 5 hour after sunset on any day and the beginning of the last hour before sunrise on the following morning :
- Places lime in salmon rivers.  
36 & 37 Vict.  
c. 71. s. 13.
- (27.) Puts, places, or causes to be put or placed any lime or other noxious material into any river whereby any of the fish therein are taken or destroyed : 10
- shall be guilty of an offence against this Act, and shall on conviction thereof incur the following penalties:
- 28 & 29 Vict.  
c. 121. s. 56.  
36 & 37 Vict.  
c. 71. s. 18.  
sub-s. 5.
- Upon the first conviction a penalty not exceeding *five pounds*, and if any fish illegally caught are found in the possession or under the control of the person offending a further 15 penalty not exceeding *one pound* in respect of each fish :
- Upon the second conviction a penalty of not less than *two pounds ten shillings* and not exceeding *five pounds*, and if any fish illegally caught are found in the possession or under the control of the person offending, a further penalty not exceeding *one 20 pound* in respect of each fish, but it shall not be obligatory on the court to inflict a greater penalty than *two pounds ten shillings* in the whole :
- Upon the third conviction a penalty of *five pounds*, and if any fish illegally caught are found in the possession or under the control 25 of the person offending, a further penalty of not exceeding *one pound* in respect of each fish ; but it shall not be obligatory on the court to inflict a greater penalty than *five pounds* in the whole :
- Upon the fourth and every subsequent conviction a penalty of 30 *five pounds*, and if any fish illegally caught are found in the possession or under the control of the person offending, a further penalty of *one pound* in respect of each fish :
- In addition to the foregoing penalties, every person, on being convicted the first or any subsequent time of an offence under 35 this section, shall forfeit all rods and lines, nets, engines, instruments, or devices used by him or in his possession, and all fish illegally caught or found in his possession or under his control at the time of committing the offence, and such forfeitures shall be applied in manner herein-after provided. In 40 addition to the foregoing penalties, any person, on a second and every subsequent conviction in respect of any offence under this section shall, if the holder of a license or the servant,

partner, or agent of the holder of a license under this Act for A.D. 1880.  
the capture of salmon, trout, or char, forfeit such license.

5      Provided that on the third and every subsequent conviction for 28 & 29 Vict.  
any act prohibited by sub-sections 1, 2, 3, 4, 11, 14, 19, c. 121. s. 57.  
instead of being fined in a pecuniary penalty the person  
convicted may be sentenced, at the discretion of the court  
before which he is tried, to imprisonment, with or without hard  
labour, for any period not less than *one month* and not exceed-  
ing *three months*.

10    22. Any person who uses or has in his possession dynamite or Use of dyna-  
any other explosive substance to catch or destroy fish in any water, mite.  
public or private, shall be liable on summary conviction, in the 40 & 41 Vict.  
discretion of the court either to a fine not exceeding *twenty pounds*, c. 65. s. 2.  
or to be imprisoned, with or without hard labour, for any term not  
15 exceeding *three months*.

23. Any person taking, killing, or attempting to take or kill, or Fishing  
using any instrument whereby salmon, char, or trout are caught without a  
without a proper license in any fishery district in which licenses license.  
are issued, shall be liable to a penalty not exceeding *five pounds*, 28 & 29 Vict.  
and a further penalty not exceeding *one pound* for each salmon, c. 121. ss. 35,  
20 char, or trout so caught: Provided that if the person is fishing 36.  
with any instrument for which a license is required he shall be 36 & 37 Vict.  
liable to a penalty of not less than double the amount of the license c. 71. s. 22.  
duty for such instrument, but such penalty shall not, in the case of  
25 a person fishing with a rod and line, in any case exceed *five pounds*,  
and in the case of a person fishing otherwise than with rod and line  
*twenty pounds*.

24. Any person doing any of the following things shall incur a Close time  
penalty not exceeding *five pounds*: for fresh-  
water fish  
and elvers.

30    (1.) Fishes for, catches, or attempt to catch or kill any freshwater  
fish during the close time for freshwater fish or elvers 41 & 42 Vict.  
within the Severn fishery district between the *twenty-sixth* c. 39. s. 11.  
*day of April* and the *twenty-fourth day of June* following, 39 & 40 Vict.  
both inclusive: c. 34. s. 2.

35      But this sub-section shall not apply—

(a.) To the owner of any private fishery where trout, 41 & 42 Vict.  
char, or grayling are specially preserved destroy- c. 39. s. 11.  
ing within such fishery any freshwater fish other sub-s. 3.  
than grayling:

- A.D. 1880.  
41 & 42 Vict.  
c. 89. s. 11.  
sub-s. 4.
- (b.) To any person angling for freshwater fish in any several fishery with the written permission of the owner of such fishery, or in any public fishery under the jurisdiction of a board of conservators with the written permission of such board : 5
- 41 & 42 Vict.  
c. 89. s. 11.  
sub-s. 5.
- (c.) To any person taking freshwater fish for scientific purposes, if such person has the permission in writing of the board of conservators for such capture :
- 41 & 42 Vict.  
c. 89. s. 11.  
sub-s. 6.
- (d.) To any person taking freshwater fish for use as bait : 10
- 41 & 42 Vict.  
c. 39. s. 11.  
sub-s. 7.
- (e.) To any person fishing for, catching, or attempting to catch or kill any freshwater fish in any part of a fishery district which the board of conservators have, with the approval of the Secretary of State, exempted from the operation of this 15 section :
- (2.) Buys, sells, exposes for sale, or has in his possession for sale any freshwater fish between the *fifteenth day of March* and the *fifteenth day of June* following, both inclusive :
- 39 & 40 Vict.  
c. 34. s. 2.
- (3.) Buys, sells, exposes for sale, or has in his possession any elvers 20 or the fry of eels between the *twenty-sixth day of April* and the *twenty-fourth day of June*, both inclusive, in the hundreds of Kiftsgate, Deerhurst, Dunstone, and King's Barton, Berkeley, Duchy of Lancaster, Westbury, Westminster, and Tewkesbury in the county of Gloucester, or 25 the hundred of the city of Gloucester, or in the county of the city of Gloucester :
- But this section shall not apply—
- (a.) To any person buying, selling, exposing for sale, or having in his possession for sale any elvers or the 30 fry of eels, if the same were not taken within the limits of the Severn fishery district :
- (b.) To the counties of Norfolk and Suffolk as defined by the Norfolk and Suffolk Fisheries Act, 1877.
- Rules as to marks, labels, &c. on nets and boats.  
36 & 37 Vict.  
c. 71. s. 39.  
sub-s. 7.
25. A board of conservators may from time to time make and 35 revoke rules as to the marks, labels, and numbers to be attached or painted upon any net or other instrument, boat, coracle, or other vessel used in fishing ; and any person refusing or neglecting to observe any such rules shall be liable to a penalty not exceeding *five pounds* : Provided that no penalty shall be recoverable under 40 this section until the rules made by any board of conservators have been certified by the Secretary of State.

26. Every person who causes or knowingly permits to flow, puts or knowingly permits to be put into any water containing salmon, or into any tributaries thereof, any liquid or solid matter to such an extent as to poison or kill fish shall incur the following penalties :

A.D. 1880.  
Penalties on  
mixing  
poisonous  
substances  
in rivers.  
24 & 25 Vict.  
c. 109. ss. 5,  
6, 7.

5 Upon a first conviction a penalty not exceeding *five pounds* :

Upon the second conviction a penalty not exceeding *ten pounds*, and a further penalty not exceeding *two pounds* for every day during which such offence is continued :

10 Upon the third or any subsequent conviction a penalty not exceeding *twenty pounds a day* for every day during which such offence is continued, commencing from the date of the third conviction :

But this section shall not apply—

15 (1.) If the act done is in exercise any right to which the person is by law entitled, if he prove to the satisfaction of the court before whom he is tried that he has used the best practicable means within a reasonable cost to render harmless the liquid or solid matter so permitted to flow or to be put into the water. And nothing herein contained  
20 shall prevent any person from acquiring a legal right in cases where he would have acquired it if this Act had not been passed, nor exempt any person from any punishment to which he would otherwise be subject, nor legalise any act or default that would but for this Act be deemed to be  
25 a nuisance or otherwise contrary to law :

(2.) If the person against whom proceedings are instituted under this section alleges by way of defence that he has used the best practicable means within a reasonable cost to render such matters harmless, and proves that the expense of permanently preventing the matter complained of would,  
30 exclusive of costs, exceed *one hundred pounds*, and gives such security as the court shall approve to prosecute his appeal and abide the result thereof, all proceedings before the justices shall be stayed, and the defendant may bring  
35 an action in the High Court of Justice against the complainant, and the question to be tried in such action shall be whether the defendant has used the best practicable means within a reasonable cost to render such matters harmless, and such action shall be prosecuted and be sub-  
40 ject to the same rules and incidents in all respects as other

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A.D. 1880.

actions are in the High Court of Justice; and the judgment in such action shall in all subsequent proceedings for the recovery of penalties under this section be conclusive as to the questions tried in it. Any costs that may have been incurred by the parties before the justices shall be deemed to be costs incurred in such action, and shall be dealt with accordingly.

Penalty on companies not erecting gratings to prevent descent of salmon into artificial streams.  
24 & 25 Vict.  
c. 109. s. 13.

**27.** The following rules shall apply to gratings:

- (1.) Where fish are led aside out of a main stream by means of any artificial channel used for the purpose of supplying towns with water or for supplying any navigable canal the company or persons having the control over such artificial channel shall maintain at their own costs and charges a grating or gratings across such channel for the purpose of preventing the descent of the fish, and such grating or gratings shall be maintained in such form and manner as may be certified by the Secretary of State, and any person failing to maintain any grating or gratings shall incur a penalty not exceeding *one pound* for every day during which such failure continues: Provided always, that no such grating shall be so placed as to interfere with the passage of boats in any navigable canal:
- (2.) When after the commencement of this Act any cut, leat, or channel is made or opened from any river for any purpose by which fish are liable to be led aside out of the main stream, the person making, opening, or having the control over such cut, leat, or channel shall at his own cost erect and maintain such grating as the Secretary of State shall certify. Any person omitting to erect such grating within *three months* from making or opening such cut, leat, or channel shall incur a penalty not exceeding *five pounds per day* for every day during which he fails to comply with the provisions of this section, and every person neglecting to maintain such grating shall incur a penalty not exceeding *one pound a day* for every day during which such failure continues:
- (3.) If any grating is erected under the authority of this Act the owner and occupier of the lands adjoining the same, and the owner or occupier of the lands to which any watercourse, mill race, cut, leat, or other channel across which such grating is placed leads, shall take all reasonable

Penalty on not maintaining gratings.  
36 & 37 Vict.  
c. 71. s. 61.

means to preserve the same from injury and to prevent the same from being removed, and any owner, occupier, or other person improperly removing or opening any grating or permitting the same to be removed or opened shall be liable for every such offence to a penalty not exceeding *five pounds*.

A.D. 1880.

**28.** The following rules shall apply to fishing weirs and fishing mill dams :

Rules as to fishing weirs. 24 & 25 Vict. c. 109. ss. 27, 28.

(1.) All fishing weirs extending more than half way across the stream at the lowest state of the water shall be constructed and maintained in accordance with the following rules :

- (a.) Unless otherwise authorised by the Secretary of State every fishing weir shall have in it a free gap or opening :
- (b.) The free gap or opening shall be in the deepest part of the stream between the points where it is intercepted by the weir :
- (c.) The sides of the gap shall be in a line with and parallel to the direction of the stream at the weir :
- (d.) The bottom of the gap shall be level with the natural bed of the stream above and below the gap :
- (e.) The width of the gap shall not be less in its narrowest part than *one tenth* of the width of the stream, provided that in no case shall such gap be narrower than *three feet* nor be required to be wider than *forty feet* :
- (f.) No alteration shall be made in the bed of the river so as to reduce the flow of water through a free gap :
- (g.) No obstruction shall be placed, contrivance used, or act done whereby fish may be scared, deterred, or any way prevented from freely entering and passing up and down a free gap at all periods of the year. But this sub-section shall not apply to a temporary bridge or board used for crossing the free gap and taken away immediately after a person has crossed the same :

Any person constructing or maintaining a fishing weir except in accordance with the foregoing rules shall be

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34 *Salmon and Freshwater Fishery Laws Amendment.* [43 VICT.]

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Rules as to  
boxes and  
cribs.  
24 & 25 Vict.  
c. 109. s. 29.

liable to a penalty not exceeding *five pounds*, and on a second conviction to a further penalty not exceeding *two pounds a day* for each day during which he maintains any fishing weir not in accordance with the foregoing rules :

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(2.) With regard to the construction of all boxes and cribs in fishing weirs and fishing mill dams for taking salmon the following rules shall apply :

(a.) The upper surface of the sill shall be level with the bed of the river :

10

(b.) The bars or inscales of the heck or up stream side of the box or crib shall not be nearer each other than *two inches*, and shall be capable of being removed, and shall be placed perpendicularly :

(c.) No spur or tail wall leader or outrigger of a greater length than *twenty feet* from the upper or lower side of any box or crib shall be attached to such box or crib :

15

Any person constructing or maintaining a box or crib in contravention of the foregoing rules shall incur a penalty not exceeding *five pounds* ; and on a second conviction a further penalty of *one pound a day* for every day during which such box or crib is maintained except in accordance with the foregoing rules.

20

Penalty on  
rebuilding or  
making new  
weirs without  
fish passes.  
24 & 25 Vict.  
c. 109. s. 25.  
36 & 37 Vict.  
c. 71. s. 46.

29. Every person who in any salmon river constructs a new dam or raises or alters so as to cause increased obstruction to fish any existing dam, or has erected, caused, or increased, or shall hereafter create, cause, or increase any obstruction to the passage of fish, or who rebuilds or reinstates any dam, weir, or obstruction which from any cause shall have been destroyed or fallen or taken down to the extent of one half of its length shall attach and maintain attached thereto as part of the structure thereof a fish pass of such form and dimensions as the Secretary of State shall direct, and any person who omits or fails to make such fish pass, or who newly builds a dam, weir, or obstruction without providing such fish pass, or who raises or alters any existing dam, weir, or obstruction in whole or part so as to cause increased obstruction to the passage of fish, or who makes or continues any obstruction whatsoever to the passage of fish without lawful authority, shall incur a penalty not exceeding *twenty pounds* for every such offence, and a further penalty not exceeding *two pounds* for every day during which such offence is

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continued, commencing from the date of the first conviction. And it shall be lawful for the Secretary of State to cause to be done any work by this section required to be done by such person, and to recover the expense of doing the same in a summary manner from  
 5 such person or from the owner or occupier of such obstruction who shall neglect to do the same.

But this section shall not authorise anything to be done that may injuriously affect any navigable river, canal, or inland navigation, nor shall anything herein contained prevent any person from  
 10 removing any fish pass for the purpose of repairing or altering such obstruction so that within a reasonable time he restore such fish pass in as effectual a state as it was before he removed the same, and for the purpose of this section the owner or occupier of any obstruction for the time being shall be deemed to be the person  
 15 who created or caused or increased such obstruction as aforesaid.

**30.** Any person obstructing a person legally authorised to erect or do any act necessary to erect or maintain any fish pass or free gap shall incur a penalty not exceeding *ten pounds* for each act of obstruction. Any person injuring any fish pass or free gap already  
 20 erected or in the course of erection shall pay the expense of repairing the injury, and if such injury is wilful shall incur a penalty not exceeding *five pounds*.

**31.** Any clerk or returning officer of a board of conservators, clerk of the peace, or town clerk refusing or neglecting to do or  
 25 cause to be done all or any of the things or duties by this Act directed to be done by him, them, or any of them respectively, shall be guilty of an offence against this Act, and for each offence be liable to a penalty not exceeding *five pounds*.

**32.** If at any election of representative members under this Act  
 30 any person or persons wilfully fabricates in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper, or personates any person entitled to vote, or falsely assumes to act in the name or on behalf of any person entitled to vote, or fraudulently attests the execution of any voting paper, such person or persons  
 35 shall be liable on conviction thereof to a penalty not exceeding *twenty pounds*, or to be imprisoned for any time not exceeding *three months*, with or without hard labour.

**33.** When sluices for drawing off the water are attached to any dam or mill they shall be kept shut so as to enable the fish to ascend  
 40 or descend the stream or fish pass (if any) at all times when the water is not required for milling purposes: Provided that nothing

[137.]

E 2

A.D. 1880.

Obstructing the erection of or injuring fish passes.  
 24 & 25 Vict.  
 c. 109. s. 23.

Penalty on clerk or officer not performing duties.  
 36 & 37 Vict.  
 c. 71. ss. 32, 63.

Penalty for fabricating voting papers, &c.  
 36 & 37 Vict.  
 c. 71. s. 33.

Provision as to sluices in dams.  
 24 & 25 Vict.  
 c. 109. s. 26.  
 36 & 37 Vict.  
 c. 71. s. 53.

A.D. 1880. — herein contained or any of the rules herein-after mentioned shall preclude any person from opening a sluice for the purpose of letting off the water in the case of a flood, or for milling purposes, or when necessary for the purpose of navigation, or for cleansing or repairing any mill dam or other appurtenance thereto: Provided also, that 5 the board of conservators of the district may make rules as to the times during which such sluices shall be kept shut or open. Any person making default in complying with the requirements of this section, or refusing or neglecting to observe any rules made hereunder and certified by the Secretary of State, shall incur a penalty 10 not exceeding *five shillings* an hour for every *hour* during which such default continues.

Regulation  
of splash nets  
in the Tyne.

**34.** The board of conservators of the Tyne fishery district may make regulations for the splash nets used within their district, as to the length, depth, size of mesh, and manner of using such nets, the 15 time or times of the year and day at which and the places, situations, and limits within which such nets may be used, and generally may make such rules as to the regulation of the said nets as may seem to them expedient. Any person neglecting or refusing to observe any such rules shall be liable to a penalty not exceeding 20 *five pounds*: Provided that no penalty shall be recoverable under this section until the rules made by the said board of conservators have been certified by the Secretary of State.

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## PART V.

### *Procedure.*

Recovery of  
penalties.  
36 & 37 Vict.  
c. 71. s. 62.

**35.** All penalties imposed by this Act and all sums of money, costs, and expenses directed to be recovered in a summary way shall be recovered in England and Wales in the manner provided by the Summary Jurisdiction Acts, and so much of the Summary Jurisdiction Act, 1879, and the provisions thereof as relate to 30 appeals from summary convictions to general or quarter sessions, to procedure on appeals to general or quarter sessions, appeals from courts of summary jurisdiction by special case, provisions as to proceedings before courts of summary jurisdiction, and the general provisions as to local jurisdiction of courts of summary jurisdic- 35 tion are hereby incorporated, except that all moneys received and penalties recovered under this Act and the proceeds of the sale of all articles forfeited under this Act shall be paid to the board of conservators for the district, to be applied by them for the purposes

of carrying this Act into execution. Any offence against this Act committed within Scotch jurisdiction shall be prosecuted and punished in manner directed by the Salmon Fisheries (Scotland) Act, 1862. A.D. 1880.  
28 & 29 Vict.  
c. 121. s. 62.

5   **36.** Any offence under this Act committed on the sea coast or at sea beyond the ordinary jurisdiction of any court of summary jurisdiction shall be deemed to have been committed within the body of the county or counties adjoining or abutting on such sea or sea coast, and may be tried and punished by any court of summary  
10 jurisdiction in such county or counties. Offences at  
sea, where to  
be tried.  
24 & 25 Vict.  
c. 109. s. 37.

**37.** No justice of the peace shall be disqualified from hearing any case under this Act by reason of his being a member of a board of conservators or a subscriber to any fishery association or society. But no justice shall be entitled to hear any case in respect of an  
15 offence committed on his own land. Disqualifica-  
tion of jus-  
tices.  
28 & 29 Vict.  
c. 121. s. 61.

**38.** The following rules shall apply as to evidence in all legal proceedings under this Act in all other courts whatsoever: Rules as to  
evidence.  
36 & 37 Vict.  
c. 71. s. 64.

      (1.) The provisions of the Documentary Evidence Act, 1868, shall apply to any certificate of the Secretary of State granted in accordance with the provisions of the Salmon  
20 Fishery Acts, 1861 to 1876, or this Act:

      (2.) The copy of a certificate of a fixed engine being a privileged fixed engine given by the special Commissioners for English fisheries deposited with the clerk of the peace for  
25 the county or with the clerk of the board of conservators for the district in which such fixed engine is situate, shall be conclusive evidence as to the determination of the said Commissioners with reference to such engine:

      (3.) The production of a copy of any newspaper or newspapers circulating within the district containing a notice of the appointment of a board of conservators, of the names and addresses of the board, of a time after which it is illegal  
30 to fish in such district without a license shall be evidence that everything required to be done for the legal validity of those acts has been duly done and performed:

      (4.) A copy of or extract from the minutes of any meeting of a board of conservators, sealed with the seal of the board, signed by the chairman of the board for the time being, and certified by him to be a correct copy thereof,  
35 shall be evidence of all that took place at such meeting and that the meeting was duly convened and held and all members duly qualified:

A.D. 1880.  
36 & 37 Vict.  
c. 71. s. 45.

- (5.) A copy of any byelaw sealed with the seal of the board and signed by the acting chairman for the time being shall be evidence of the existence and due making of such byelaw :
- (6.) A certificate of the conviction of any person under this Act in the form contained in the Third Schedule hereto, signed 5 by the clerk of the court of summary jurisdiction before which such person was convicted, shall be conclusive evidence of such conviction having taken place, and it shall be the duty of the clerk of a court of summary jurisdiction when a person is convicted of any offence against 10 this Act to make out, sign, and send to the clerk of the board of conservators for the district within which such conviction took place such certificate within one calendar month of the date of such conviction, and the cost of preparing and sending such certificate and any fee payable in respect 15 thereof shall be deemed to be part of and included in the costs payable by the person on such conviction.

36 & 37 Vict.  
c. 71. s. 11.

Any copy or extract in this section mentioned may be partly in writing or partly in print. No proof shall be required of the handwriting or official position of any person hereby authorised to 20 sign or certify any of the foregoing documents, nor of the custody from which such documents came.

At the hearing of any case under this Act the person charged with any offence shall not be entitled to require proof of the formation of the district, appointment of the board of conservators, the 25 due election of such board, the fixing of a time after which it is illegal to fish in any district without a license, the approval of the Secretary of State to a scale of license duties, the validity or existence of any byelaw, unless not less than three days before the hearing of such case a notice in writing signed by him or his solicitor 30 be sent to the clerk of the board, stating his intention to require proof of the same, and the court on hearing the case shall, unless they are of opinion that there was reasonable ground to require such proof, whatever may be the result of the case, order the party requiring such proof to pay the costs of proving the same. 35

28 & 29 Vict.  
c. 121. s. 25.  
Vacancies in  
board and  
defect in  
qualification  
of members.

No objection shall be made at any trial or in any legal proceedings whatsoever as to the validity of any order or proceeding of a board of conservators on account of any vacancy or vacancies in their body, and no defect in the qualification, appointment, or election of any ex-officio or representative member of a board of conservators or of 40 any person acting or purporting to act as a member of such board shall vitiate any proceedings of such board in which he or they may have taken part.

- 39.** In this Act and in any byelaws made under the authority thereof, unless there is something repugnant in the context, the words and expressions herein-after mentioned shall have the meanings hereby assigned to them; (that is to say,)
- 5 "Annual close time" shall mean the period between the *first day of September and the first day of February* next following, both inclusive, or any period which may be substituted for the same by any byelaw made under the authority of this Act:
- 10 "Close time for rods" shall mean the period between the *second day of November and the first day of February* next following, both inclusive, or any period which may be substituted for the same by any byelaw made under the authority of this Act:
- 15 "Close time for char or trout" shall mean the period between the *second day of October and the first day of February* following, both inclusive, or any period which may be substituted for the same by any byelaw made under the authority of this Act:
- 20 "Close time for freshwater fish" shall mean the period between the *fifteenth day of March and the fifteenth day of June* following, both inclusive, or any period which may be substituted for the same by any byelaw made under the authority of this Act:
- "Weekly close time" shall mean the period between the hour of *twelve of the clock at noon on Saturday* and the hour of *six of the clock on the Monday morning* following, or any period which may be substituted for the same by any byelaw made under the authority of this Act:
- 25 "Clerk" means the clerk or, where there is no clerk, the secretary or other like officer of a board of conservators:
- "Clerk of the peace" includes the town clerk of any county of a city or county of a town:
- 30 "County" includes any riding, division, or liberty of a county having a separate court of quarter sessions, and a county of a city or county of a town shall for the purposes of this Act be deemed a county:
- 35 "Court" or "court of summary jurisdiction" means any justice or justices of the peace or other magistrate by whatever name called to whom jurisdiction is given by or who is authorised to act under the Summary Jurisdiction Acts or any of such Acts:
- "Dam" means any weir or fixed obstruction used for the purpose of damming up water:
- 40 "District" means the rivers and so much of their catchment basins as may be included in a certificate granted by the Secretary of State under this Act:
- "Fishing mill dam" shall mean any dam used or intended to be

A.D. 1880.

Interpretation of terms.  
24 & 25 Vict.  
c. 109. s. 4.  
28 & 29 Vict.  
c. 121. s. 3.  
36 & 37 Vict.  
c. 71. s. 4.  
"Annual close time."  
"Close time for rods."

"Close time for char or trout."

"Close time for freshwater fish."

"Weekly close time."

"Clerk."

"Clerk of the peace."

"County."

"Court."

"Dam."

"District."

"Fishing mill dam."



- A.D. 1880. used partly for the purpose of catching or facilitating the catching of fish and partly for the purpose of damming up water :
- “Fishing weir.” “Fishing weir” means any erection, structure, or obstruction fixed to the soil either temporarily or permanently across or partly across a river or a branch of a river and used exclusively for the purpose of catching or facilitating the catching of fish :
- “Fixed engine.” “Fixed engine” includes stake nets, bag nets, putts, putchers, and all fixed implements or engines for catching or for facilitating the catching of fish, all nets secured by anchors or otherwise temporarily fixed to the soil, all nets or implements for taking or facilitating the taking of fish fixed to the soil or made stationary in any other way, not being fishing weirs and fishing mill dams, all nets placed or suspended in any water unattended by the owner or any person duly authorised by the owner to use the same, and all engines, devices, machines, or contrivances, whether floating or otherwise, for placing or suspending such nets or making them stationary :
- “Freshwater fish.” “Freshwater fish” means all kinds of fish (other than pollan, trout, or char) which are found in inland waters and do not migrate to or from the open sea :
- “Inland water.” “Inland water” means all waters that are not tidal :
- “Inspector.” “Inspector” means an inspector appointed under the provisions of the fourth section of this Act :
- “Occupier.” “Occupier” means the person in possession of the fisheries or premises in respect of which the word is used, whether the owner or not :
- “Otter lath or jack.” “Otter lath or jack” means any small boat or vessel, board, stick, or float used for the purpose of running out baits, artificial or otherwise, across any portion of a lake or river, and whether used as a hand line or as auxiliary to a rod and line or in any other way :
- “Owner.” “Owner” means the person receiving the rents of the property in respect of which the word is used, whether beneficially or otherwise. For the purpose of the purchase of any lands or hereditaments the word “owner” means any person or corporation who under the provisions of the Lands Clauses Consolidation Acts would be enabled to sell and convey the same :
- “Parts beyond the seas.” “Parts beyond the seas” does not include any part of the United Kingdom, however situate in regard to another part :
- “Person.” “Person” includes any body of persons, corporate or incorporate :
- “Quarter sessions.” “Quarter sessions” includes general sessions, and so far as relates to the river Esk the Commissioners of Supply in Scotland, and in cases of a county of a city or county of a town the council of such city or town :

“Returning officer” means the chairman of a board of conservators or any person appointed by him in writing under his hand to conduct the election of representative members of boards of conservators in the manner herein prescribed : A.D. 1880.  
“Returning officer.”

5 “River” includes such portion of any streams, water, lake, canals, watercourse, tributary, estuary, sea, or sea coast as are included in any fishery district connected with such river : “River.”

“Salmon” includes all migratory fish of the genus salmon, whether known by the herein-after mentioned names, that is to say,  
10 salmon, cock or kipper, kelt, laurel, girling, gilling, grilse botcher, bluecock, blue pole, fork tail, mort, peal, herring peal, may peal, pugg peal, harvest cock, sea trout, white trout, sewen, buntling, guiniad, tubs, yellow fin, sprod, herling, whiting, bull trout, whitling, scurf, burn tail, fry, samlet, smoult, smelt, skirling or scarling,  
15 parr, rack, spawn, pink, last spring, hepper, last brood, gravelling, shed, scad, blue fin, black tip, fingerling, brandling, brondling, or any other local name :

“Salmon river” means any river as above defined frequented by salmon or the young of salmon : “Salmon river.”

20 “Secretary of State” means one of Her Majesty’s Principal Secretaries of State : “Secretary of State.”

“Strokehall or snatch” means any instrument or device, whether used with natural or artificial bait, a rod and line, or otherwise, for the purpose of foul hooking any fish : “Strokehall or snatch.”

25 “Tidal waters” means the sea and all rivers, creeks, streams, and waters so far as the tide flows and reflows : “Tidal waters.”

“Young of salmon” shall include all young of the salmon species, whether known by the name of fry, samlet, smolt, smelt, skirling or skarling, parr, rack, spawn, pink, last spring, hepper, last  
30 brood, gravelling, shed, scad, blue fin, black tip, fingerling, brandling, brondling, or any other local name :

“Unclean salmon” shall not include any salmon taken between the *first day of May and the thirty-first day of August* both inclusive in any year. “Unclean salmon.”

35 40. The Acts referred to in the first column of the Fourth Schedule hereto shall be repealed to the extent stated in the second column of the said schedule. Repeal of Acts.

40 Provided that everything done and every offence committed before the commencement of this Act shall not be affected thereby. And every such offence shall be dealt with, inquired into, tried, determined, and punished as if the said Acts had not been repealed, and such repeal shall not affect the validity, invalidity, effect, or con-

A.D. 1880.

## SCHEDULES.

### FIRST SCHEDULE.

#### A.—FORM OF NOMINATION PAPER.

- \_\_\_\_\_ Fishery District.
- 5 I, the undersigned, do hereby nominate
- |                |   |   |   |
|----------------|---|---|---|
| 1. <i>A.B.</i> | { | [here insert names of persons<br>nominated] | [here insert addresses of persons<br>nominated] |
| 2. <i>C.D.</i> |   |   |   |
| 3. <i>E.F.</i> |   |   |   |
| 4. <i>G.H.</i> |   |   |   |
- 10 for election as representative members of the \_\_\_\_\_ Fishery Board for  
the year 188 .
- Signed \_\_\_\_\_  
Address \_\_\_\_\_
- To \_\_\_\_\_
- 15 \_\_\_\_\_ Returning officer for such election.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 188 .

#### B.—NOTICE TO PERSON NOMINATED.

- \_\_\_\_\_ Fishery District.
- SIR,
- 20 I HAVE to inform you that you have been nominated for election as a  
representative member of the board of conservators for this district, and I have  
to require you to fill up and return to me within seven days from the date  
hereof the annexed notice as to your intention of accepting or declining such  
nomination. In the event of my not hearing from you within such seven days  
25 you will be considered to have declined such nomination.
- I am, &c.

Returning officer for such election.

Dated the \_\_\_\_\_ day of December 188 .

*Notice to be annexed to such Letter.*

- 30 I \_\_\_\_\_ do hereby [agree or decline] to be nominated  
for election as a representative member of the \_\_\_\_\_ Fishery Board  
for the year 188 .
- Signed \_\_\_\_\_
- Dated the \_\_\_\_\_ day of December 188 .  
[137.] G

### Fishery District.

Number of Votes.	Number of Voting Paper.	Name and Address of Voter.

The voter must, in the presence of a witness, make a mark against the names of all the persons for whom he intends to vote in the right-hand column. He must sign the paper in the presence of and it must be attested by a witness, who must sign his name and address. If the voter cannot write he must affix his mark in the place for the signature of the voter, and such mark must also be attested by such witness.

Names of Persons Nominated.	Mark of Voter.

*Signature or mark of Voter*

Dated the            day of            188 .  
*Name and Address of Witness* \_\_\_\_\_

### FORM OF LICENSE.

## License to fish in

### Water.

20

WE, the Board of Conservators of the Fishery District (being so much of the *[here state boundaries of district]* as defined by a certificate of the Secretary of State deposited with the clerk of the peace for the county of \_\_\_\_\_), by virtue of the powers vested in us by the said Act, in consideration of the sum of \_\_\_\_\_ pounds paid to *[name and address of distributor]*, who is authorised to receive the same on our behalf, do hereby authorise and empower *[name and address of licensee]* to fish with one *[name of instrument]* for *[salmon or trout]* in any water within the said district *[or that part of the said district as defining it]* in which there are *[public or private]* rights of fishing.

This license will expire on the 31st day of December 188 . It is only available to fish in fisheries, and only entitles the holder to fish during the open season in force in the Fishery District.

Given under our common seal the day of 188 .  
(L.S.)

5

### THIRD SCHEDULE.

#### CERTIFICATE OF CONVICTION.

*Salmon and Freshwater Fishery Law Consolidation Act, 1880.]*

10 I, the undersigned, being the justices' clerk for the petty sessional division of in the county of , hereby certify that A.B., of in the county of , fisherman, was convicted at , on the day of 188 , for [state the offence against this Act in respect of which he was convicted].

15

Signed \_\_\_\_\_

Dated the day of 188 .  
To the clerk of the Fishery District.

### FOURTH SCHEDULE.

20

#### ENACTMENTS REPEALED.

	Title of Act.	Extent of Repeal.
	The Salmon Fishery Act, 1861 (24 & 25 Vict. c. 109).	The whole Act.
25	The Salmon Act Amendment Act, 1863 (26 Vict. c. 10.).	So far as relates to Eng- land.
	The Salmon Fishery Act, 1865 (28 & 29 Vict. c. 121.).	The whole Act.
	The Salmon Acts Amendment Act, 1870 (33 & 34 Vict. c. 33.).	So far as relates to Eng- land.
30	The Salmon Fishery Act, 1873 (36 & 37 Vict. c. 71.).	The whole Act.
	The Salmon Fishery Act, 1876 (39 & 40 Vict. c. 19.).	The whole Act.
	An Act to amend the Law relating to Elver Fishing (39 & 40 Vict. c. 34.).	The whole Act.
35	The Fisheries (Dynamite) Act, 1877 (40 & 41 Vict. c. 65.).	So far as relates to Eng land.
	The Freshwater Fisheries Act, 1878 (41 & 42 Vict. c. 39.).	The whole Act.
40	An Act to amend the Law as to Close Time for Fixed Engines in Tidal Waters (42 & 43 Vict. c. 26.).	The whole Act.

SESS. 2.

# Salmon and Freshwater Fishery Laws Amend- ment.

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A

## B I L L

To consolidate and amend the Salmon  
and Freshwater Fishery Laws of  
England and Wales.

*(Prepared and brought in by  
Sir Joseph Bailey, Mr. Dilkeyn Mr. Dodd,  
and Mr. Stafford Howard.)*

---

*Ordered, by The House of Commons, to be Printed,  
21 May 1880.*

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[Bill 137.]

*Under 7 oz.*

# Salmon and Freshwater Fishery Laws Amendment Bill.

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[AS AMENDED IN COMMITTEE.]

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- 1st Schedule.*—Form of nomination paper, &c.
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  - 3rd Schedule.*—Form of certificate of conviction.
  - 4th Schedule.*—Scale of license duties.
  - 5th Schedule.*—List of Acts repealed.
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B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Salmon and Freshwater Fishery Laws of England and Wales. A.D. 1880.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5   1. This Act may be cited for all purposes as the Salmon and Freshwater Fishery Laws Consolidation Act, 1880. Short title.

2. This Act shall come into operation on the first day of October one thousand eight hundred and eighty-one. Commence-  
ment of Act.

10   3. This Act shall not extend to Scotland, except that the catch-ment basin of the river Esk with its tributary streams up to their source, shall be deemed to be within its limits, nor to Ireland, nor to the river Tweed as defined by the Tweed Fisheries Amendment Act, 1859. Application  
of Act.  
24 & 25 Vict.  
c. 109. s. 2.  
28 & 29 Vict.  
c. 121. s. 63.

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PART I.

15                   CENTRAL AUTHORITY.

4. The general superintendence of the fisheries subject to this Act shall be vested in the Secretary of State, and the Secretary of State may appoint two inspectors of fisheries for three years, assign to them their duties, *and pay them such salaries as may from time to time be determined by the Commissioners of Her Majesty's Treasury.* The Secretary of State may from time to time remove the said inspectors and appoint other persons in their stead. The Secretary of State shall annually lay before Parliament reports from the said inspectors containing, as far as may be practicable, a statistical account of the fisheries for the past year and other information as to the operation of this Act and the regulation and improvement of the fisheries. General  
superinten-  
dence of the  
fisheries by  
Secretary of  
State.  
24 & 25 Vict.  
c. 109. ss. 31,  
32.

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[Bill 246.]

A

A.D. 1880.

## PART II.

## FISHERY DISTRICTS.

Formation of  
fishery dis-  
tricts.

28 & 29 Vict.  
c. 121. ss. 4,  
5.

5. The justices of a county at any court of quarter sessions assembled, due notice having been previously given according to the practice of the said sessions, may, by writing under the hand of their chairman, apply to the Secretary of State to form into a fishery district all or any of the rivers lying wholly or partly within such county, and the Secretary of State may form such district accordingly, and may include therein the whole or part of any river or rivers not included in such application or not situated in the county on behalf of which such application is made. The boundaries of such district when so formed shall be defined in a certificate signed by the said Secretary of State by reference to a map or otherwise as to the said Secretary of State shall seem expedient.

Alteration of  
district.

36 & 37 Vict.  
c. 71. ss. 5, 6.

6. A board of conservators, after giving one month's notice to any other board or boards affected thereby, may apply to the Secretary of State to alter the boundaries of their district or to combine their district with some other district or districts, and the Secretary of State may thereupon by his certificate enlarge, reduce, or alter the boundaries of such district, or combine such district with some other district or districts or parts of a district or districts, or form a new district out of a part of such district, either alone, or in combination with part or parts of another district or districts, or with a place or places not included in any district or districts, and may transfer and apportion any existing debts, mortgages, contracts, liabilities, and assets of any such district or districts :

Provided that—

36 & 37 Vict.  
c. 71. s. 5.

(1.) No alteration of any district shall affect the powers of the board of conservators for that district until the new district is fully constituted :

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Effect of  
alteration.  
36 & 37 Vict.  
c. 71. s. 6.

(2.) If the effect of the alteration is to add to any existing district a part or parts of another district or districts or a place not already included in a district, then the byelaws and scale of license duties in force in the district to which the addition is made shall apply to and be in force in the part or parts added to such district. If the effect of such alteration is to combine two or more districts, then the byelaws and scale of license duties in force in each of the districts so combined shall continue in force in such parts of the combined district until the same have been revoked or altered by the board for the combined district :

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- (3.) If the effect of such alteration is to include an additional part of a county, part only of which was previously included in such district, or the whole or part of a county no part of which was previously included in such district, or to exclude from such district the whole or part of a county that was previously included therein, the number of members of the board of conservators appointed by the court of quarter sessions in respect of such county or part of a county shall be continued, increased, diminished, or cease to be appointed, as the Secretary of State may direct : A.D. 1880.  
36 & 37 Vict.  
c. 71. s. 6.  
Number of  
members.
- (4.) If the effect of such alteration is to create a new district or districts, then the members of the board of conservators for such district or districts shall be appointed in manner herein-after provided for the appointment of boards of conservators in a new fishery district lying in more than one county. New district.
7. The Secretary of State shall cause notice of his intention to grant a certificate forming, altering, combining, or creating a fishery district to be given by advertisement in one daily morning newspaper published in London, and one or more newspaper or newspapers published or circulating in the district or districts affected, and when a certificate has been granted a copy thereof shall be advertised in the same newspaper or newspapers. Notices to be  
published.  
28 & 29 Vict.  
c. 121. s. 5.  
36 & 37 Vict.  
c. 71. s. 7.

### PART III.

#### BOARDS OF CONSERVATORS.

##### i. *Constitution.*

- a. *Ex-officio members.*
- b. *Appointed members.*
- c. *Representative members.*

##### ii. *Powers.*

- a. *Byelaws.*
- b. *Licenses.*
- c. *General.*
- d. *Water bailiffs.*

##### i. *Constitution.*

- a. *Ex-officio members.*

8. A board of conservators shall be a body corporate, having perpetual succession, a common seal, and power to make contracts, to sue and be sued in a common name, and to hold lands without any further license than is given by this Act. Boards of  
conservators.  
28 & 29 Vict.  
c. 121. s. 21.

A.D. 1880.

Ex-officio  
conservators.  
36 & 37 Vict.  
c. 71. ss. 26,  
27, 28.

**9.** In every fishery district every person who possesses either of the following qualifications :

- (1.) Is the owner or occupier of a fishery or fisheries in such fishery district which is or are separately assessed to the rate for the relief of the poor on a gross estimated rental of thirty 5 pounds a year :
- (2.) Is the owner of lands in such fishery district of an annual value of not less than four hundred pounds, having a frontage of not less than one mile to any salmon river, in ascertaining such distance the frontage on both sides of 10 the river shall be counted, having the exclusive right of fishing in the part of the river adjoining such frontage, and being a licensee during the time at which he acts, if license duties are at that time payable in such district,

shall be an ex-officio member of the board of conservators. 15

36 & 37 Vict.  
c. 71. s. 27.  
Provision for  
persons  
under dis-  
ability.

Provided—

- (1.) That both the owner and occupier of a fishery shall not be entitled to act as an ex-officio member at the same time in respect of the same fishery or fisheries :
- (2.) That if there be more than one owner or occupier of any 20 fishery, one only of such owners or occupiers shall be entitled to act at the same time as an ex-officio member :
- (3.) That if any person duly qualified to act as an ex-officio member is under any legal disability, or a corporation, company, or fishing association, their duly appointed agent 25 if a licensee may act as an ex-officio member :
- (4.) That no ex-officio member shall be entitled to act unless previously to acting he shall sign such declaration of his qualification as an ex-officio member as the board shall prescribe : 30
- (5.) That an ex-officio member shall be entitled to act only so long as he continues to be duly qualified.

*b. Appointed Members.*

Appointed  
members.  
28 & 29 Vict.  
c. 121. s. 6.

**10.** The justices of any county lying wholly or partly within a fishery district shall at the Epiphany quarter sessions in every 35 year after the passing of this Act appoint such number of members of the board of conservators as is herein-after provided ; (that is to say,) if such fishery district lies wholly within the limits of one county, such justices shall at the first convenient quarter sessions after the formation of such district appoint such number of members 40 as they may determine and fix the time and place for the first meeting of the board. If the fishery district does not lie wholly within the limits of one county, then the Secretary of State shall in



his certificate forming such district state the following things; A.D. 1880.  
 (that is to say,) —

- (a.) The number of conservators to be appointed, specifying the number to be appointed by each county :
- 5 (b.) The time and place at which the first meeting of the board is to be held :
- (c.) The county by the quarter sessions of which the accounts of the board are to be audited, herein-after referred to as the audit county :
- 10 And in both the aforesaid cases the following rules shall apply :
  - (1.) The Secretary of State, on the application of the justices 36 & 37 Vict.  
 in quarter sessions assembled of any county lying wholly c. 71. s. 9.  
 or partly within the district, one month's notice of such Power to  
 application having been previously given to the board of alter number  
 15 conservators of the district, or on the application of the of appointed  
 board of conservators of the district, may increase or members.  
 diminish the number of conservators appointed for any county :
  - (2.) The appointed members of a board of conservators shall hold 28 & 29 Vict.  
 20 office until the Epiphany quarter sessions or the first c. 121. s. 15.  
 meeting of the town council in the year next after their Tenure of  
 nomination, and at the said quarter sessions and meeting office by con-  
 of the town council the fixed number of members for each servators.  
 county and each city or town which is a county shall be  
 25 annually appointed. Retiring members shall be eligible  
 for re-appointment, and if at the time when such annual  
 appointment ought to take place no appointment is made  
 the retiring members shall hold office for another year :
  - (3.) Notice of the first and every subsequent appointment of the 28 & 29 Vict.  
 30 appointed members of a board of conservators, specifying c. 121. s. 16.  
 the names and addresses of the persons appointed, shall be 36 & 37 Vict.  
 sent by the clerk of the peace of each county and the c. 71. s. 10.  
 town clerk of each city or town which is a county within Notice of ap-  
 the district within fourteen days of such appointment, and pointment of  
 35 the clerk of the board shall insert an advertisement of the conservators.  
 the names and addresses of the appointed members of the  
 board in some newspaper circulating in the district.

*c. Representative Members.*

11. In all fishery districts in any part of which public rights 40 of fishing for salmon, char, or trout are exercised, the persons  
 who have paid license duty during the preceding season to fish in public waters, for any mode of fishing other than by rod and line,

Representa-  
 tive mem-  
 bers.

36 & 37 Vict.  
 c. 71. s. 29.

A.D. 1880. shall be entitled to elect such number of members to represent them on the board of conservators for such district as is herein-after mentioned; (that is to say,)

If the aggregate amount of such license duty does not exceed the sum of fifty pounds - - - - - one member. 5

And one additional member for each additional fifty pounds or part of fifty pounds.

36 & 37 Vict.  
c. 71. s. 30.  
Election of  
representa-  
tive mem-  
bers.

The election of such members shall be held in accordance with the following rules; (that is to say,)

- (1.) At the first meeting of the board of conservators after the 10  
commencement of the annual close time in each year the  
clerk shall certify the amount of license duty paid for fish-  
ing in public waters, other than by rod and line, and the  
number of representative members to be elected for the  
ensuing year : 15
- (2.) The returning officer shall in the month of December send  
by post to the address in the license book of each person  
entitled to vote who resides in or is the owner of lands  
within or within ten miles of the boundary of the district  
in respect of which the license was issued a nomination 20  
paper in the form contained in the First Schedule hereto :
- (3.) Such person may fill up the nomination paper with his own  
name or with the name or names of any other person or  
persons not exceeding the number to be elected, and shall  
return the nomination paper by post to the returning officer 25  
within seven days from the date thereof :
- (4.) The returning officer shall send by post a notice in the form  
in the First Schedule hereto to each person nominated,  
requiring such person to return to him by post the form  
attached to such notice within seven days from the date of 30  
such notice :
- (5.) If the person nominated declines to offer himself for election,  
or if he neglects to return the notice to the returning officer  
within the seven days, his nomination shall be void, and  
the returning officer shall proceed as if such person had 35  
not been nominated :
- (6.) If on the expiration of such seven days the number of  
persons duly nominated shall be the same or less than the  
number of persons to be elected, such persons shall be  
deemed to be duly elected for one year, or until the next 40  
annual election, and the returning officer shall certify  
them to be so under his hand :

- 5 (7.) If on the expiration of such seven days the number of persons duly nominated exceeds the number of persons to be elected, the returning officer shall send by post a voting paper, in the form contained in the First Schedule hereto, to each person entitled to vote, and the voters shall return the same by post within seven days from the date thereof to the returning officer :
- 10 (8.) Each voter shall be entitled to vote according to the following scale :
- 10 If the license duty paid by him shall not exceed one pound, one vote :
- Exceeding one pound and not exceeding two pounds, two votes :
- 15 Exceeding two pounds and not exceeding five pounds, three votes :
- Exceeding five pounds and not exceeding ten pounds, four votes :
- Exceeding ten pounds, five votes :
- 20 (9.) If any person entitled to vote shall not have received a voting paper he shall be entitled, on application to the returning officer before the day fixed for the return of the voting papers, to receive a voting paper ; but such paper must be returned to the returning officer on or before the day fixed for the return of the voting papers :
- 25 (10.) The returning officer within seven days after the day fixed for the return of the voting papers shall cast up and ascertain the number of valid votes then received by him for each candidate, and the persons who have received the greatest number of such valid votes shall be deemed to be elected, and the returning officer shall certify them to be so under his hand :
- 30 (11.) If upon casting up the valid votes the returning officer finds that an equal number of valid votes has been given to two or more persons, one or more of whom only is entitled to be elected, he shall, in the presence of two or more witnesses, determine by lot which of such persons is or are elected, and the person or persons so determined shall be deemed to be duly elected for all intents and purposes as if he or they had obtained a majority of votes at such election :
- 35 (12.) The returning officer shall immediately on ascertaining the result of the election make out a list containing the names of all the persons nominated, the names of those
- 40

A.D. 1880.

who retired, the names of the persons elected, and, in case of a contest, the number of votes given to each person nominated, and shall sign and certify the same under his hand, and shall deliver such list with the nomination and voting papers to the board at their next meeting, and the same shall be open to inspection by any voter at all reasonable times without payment :

- (13.) The returning officer shall send a copy of such list as aforesaid by post to each person nominated, and shall publish the names of the persons elected in such newspaper or newspapers as he thinks fit :

36 & 37 Vict.  
c. 71. s. 31.  
Returning  
officer to  
recover ex-  
penses.

- (14.) The returning officer shall make out an account of all expenses incurred by him in conducting such election, and the same shall be laid before the board at the first meeting after such election ; the board may disallow any item which they consider excessive or illegal, and the amount found due shall forthwith be paid to the returning officer. The returning officer shall be entitled to recover the same from the board in a summary manner.

Penalty on  
fabricating  
voting  
papers, &c.  
36 & 37 Vict.  
c. 71. s. 33.

- (15.) Any person wilfully fabricating, altering, destroying, or purloining any voting paper, or personating any person entitled to vote, shall be liable to a penalty not exceeding twenty pounds.

Casual  
vacancies to  
be filled up  
by the board.  
28 & 29 Vict.  
c. 121. s. 15.  
36 & 37 Vict.  
c. 71. s. 30.  
sub-s. 16.

**12.** Any casual vacancy among the members of a board of conservators may be filled up by the board, and the member chosen to fill such vacancy shall hold office for such time only as the vacating member would have held the same if no vacancy had occurred.

Proceedings  
of a board of  
conservators.  
28 & 29 Vict.  
c. 121. s. 22.

**13.** A board of conservators shall hold their first meeting in each year at such time and place as the chairman of the board for the preceding year, or him failing the clerk of the board, shall appoint, and shall from time to time during the year meet for the despatch of business, and shall make such regulations with respect to the election of a chairman of their meetings, the summoning, notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of business, including the quorum at meetings, as they may think fit, subject to the following provisions :

- (1.) An extraordinary meeting may be summoned at any time by the chairman, or on the requisition of any three members of the board :

(2.) The quorum to be fixed by the board shall consist of not less than three members : A.D. 1880.

(3.) Every question shall be decided by a majority of votes of the members voting on that question, and in the event of an equality of votes the chairman for the time being shall have a second or casting vote.

A board of conservators may appoint committees of its members, fix a quorum for each committee, and lay down rules for its guidance. Every question before a committee shall be decided by a majority of votes of the members voting on that question, and in the event of an equality of votes the chairman of the committee for the time being shall have a second or casting vote.

Appointment  
of com-  
mittees.  
28 & 29 Vict.  
c. 121. s. 23.

## ii. *Powers.*

### a. *Byelaws.*

14. A board of conservators shall have power to make and revoke byelaws for the execution of this Act and for the better protection, preservation, and improvement of the fisheries within their districts upon all or any of the following subjects, that is to say :

Power to  
make  
byelaws  
36 & 37 Vict.  
c. 71. s. 39.

(a.) To alter the commencement and termination of the annual close time, so that such annual close time when so altered shall not be less than one hundred and fifty-four days, and shall not commence later than the first day of November in any year :

Annual close  
time.  
36 & 37 Vict.  
c. 71. s. 39.  
sub-s. 1.

(b.) To alter the commencement and termination of the close time for rods, so that such close time shall not be less than ninety-two days, and shall not commence later than the first day of December in each year :

Close time  
for rods.  
36 & 37 Vict.  
c. 71. s. 39.  
sub-s. 1.

(c.) To alter the commencement and termination of the close time for char or trout, so that such close time shall not commence earlier than the first day of September nor later than the first day of November in each year, and shall not be less than one hundred and twenty-three days :

Close time  
for trout.  
39 & 40 Vict.  
c. 19. s. 4.

(d.) To alter the commencement and termination of the close time for freshwater fish, so that such close time shall not be less than ninety-two days :

Close time  
for fresh-  
water fish.  
41 & 42 Vict.  
c. 39. s. 11.

(e.) To alter the commencement and termination of the weekly close time, so that such close time shall not exceed forty-eight hours, and that Sunday shall always form part of such weekly close time:

Weekly close  
time.  
36 & 37 Vict.  
c. 71. s. 39.  
sub-s. 2.

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B

- A.D. 1880.  
Nets.  
36 & 37 Vict.  
c. 71. s. 39.  
sub-s. 3.
- (f.) To determine the length, size, and description of nets, and the manner of using the same in fishing for salmon, char, trout, or freshwater fish. But nothing in this sub-section contained shall apply to any fixed engine certified to be privileged by the special Commissioners for English fisheries : 5
- Mesh of nets.  
36 & 37 Vict.  
c. 71. s. 39.  
sub-s. 4.
- (g.) To determine the minimum size of the mesh of nets that shall lawfully be used in fishing for salmon, char, trout, or freshwater fish :
- Netting at mouths of streams.  
36 & 37 Vict.  
c. 71. s. 39.  
sub-s. 5.
- (h.) To prohibit the use of nets within a certain distance of the mouth of any river, and of the point of confluence of rivers in any part of the district not being a several fishery, with power to take all necessary steps to indicate such distance, and to erect, fix, and maintain posts, buoys, landmarks, or other devices for that purpose : 15
- Gaff.  
36 & 37 Vict.  
c. 71. s. 39.  
sub-s. 9.
- (i.) To determine the times during which it shall be lawful to use a gaff in connexion with a rod and line :
- Regulation of nets.  
36 & 27 Vict.  
c. 71. s. 39.  
sub-s. 11.
- (j.) To regulate during the annual and weekly close time the use of nets for fish other than salmon, when such use is prejudicial to the salmon fisheries, provided that nothing in this sub-section contained shall authorise anything to be done which shall affect any part of a river where there is a several right of fishery, or any river or part of a river where the breadth at low water is greater than six miles : 25
- Night netting.  
36 & 37 Vict.  
c. 71. s. 39.  
sub-s. 12.
- (k.) To prohibit the use in any inland water of any net, except a landing net or a net for taking eels, between the expiration of the first hour after sunset and the commencement of the last hour before sunrise :
- Application of byelaws.  
36 & 37 Vict.  
c. 71. s. 40.
- Any such byelaw may apply to the whole or any part or parts of the district, or to the whole or any part or parts of the year, and may from time to time be revoked by any new byelaw : 30
- Rules as to making byelaws.  
36 & 37 Vict.  
c. 71. ss. 39,  
41, 42, 43, 44.
- 15.** The following rules shall apply to the making, confirmation, and publication of any byelaw :
- (1.) A notice of the intention to propose any byelaw shall be given in the notice convening the meeting at which such proposal is to be made. Such notice shall be issued one fortnight at least before the date of such meeting : 35
- (2.) A byelaw having been duly agreed to by not less than two thirds of the members of the board present and voting on 40

the question shall be reduced into writing and sealed with the seal of the board : A.D. 1880.

- 5 (3.) An advertisement containing a copy of such byelaw shall be inserted in such newspaper or newspapers circulating in the district as the board may direct, stating that at the expiration of one month from the date such advertisement application will be made to the Secretary of State to issue his certificate confirming such byelaw, that a copy of the byelaw will be open for inspection at the place or places named in the advertisement at all reasonable times without payment, and that a copy of such byelaw can be obtained at such place or places by any person requiring the same on payment of one penny :
- 10
- 15 (4.) After the expiration of one month from the date of such advertisement the clerk shall forward to the Secretary of State a copy of such byelaw, with a declaration under his hand that all the requirements of this Act as to such byelaw have been complied with :
- 20 (5.) The Secretary of State shall either confirm or disallow any byelaw, but before confirming or disallowing the same he may direct an inquiry into the same before such persons, and at such time and places, and after such notices as he shall appoint :
- 25 (6.) If any owner, occupier of a fishery, or licensee shall give notice in writing to the Secretary of State, objecting to the confirmation of any byelaw, and give such security for the payment of costs as the Secretary of State may require, such owner, occupier, or licensee shall be entitled to have a public local inquiry held into the propriety and advisability of making such byelaw, at such time and place within the district, after such notice and before such person or persons as the Secretary of State shall appoint, and at such inquiry all persons interested shall be entitled to be heard, and after such inquiry the Secretary of State shall either disallow or confirm such byelaw :
- 30
- 35 (7.) As soon as the Secretary of State has certified his confirmation of any byelaw the same shall be returned to the clerk of the board, and such byelaw shall thereupon be printed, and copies thereof shall be published or circulated throughout the district in such manner as the board may direct. Every clerk or distributor of licenses shall at all reasonable times, at his house or office, keep a copy of any byelaw open for the inspection of all persons
- 40

A.D. 1880.

interested, and the clerk of the Board shall, on demand, deliver without charge a printed copy to every licensee and to any other person on payment of the sum of one penny :

- (8.) Any byelaw made and confirmed in accordance with the foregoing provisions shall be binding upon and be observed by all persons.

Penalty for  
breach of  
byelaws.  
36 & 37 Vict.  
c. 71. s. 39.

16. Any person who fishes for, takes, or attempts to take any fish, or does any act in contravention of any byelaw made and confirmed under the authority of this Act, shall forfeit all fish taken by him, and all instruments or devices used by him in fishing for, taking, or attempting to take any fish, and in addition thereto incur a penalty not exceeding five pounds.

*b. Licenses.*

Rules as to  
licenses.  
28 & 29 Vict.  
c. 121. s. 34.

17. A board of conservators shall have power to issue licenses for fishing for salmon, char, or trout, and the following rules shall apply :

- (1.) The board shall, on their first appointment, give notice by advertisement in one or more newspaper or newspapers published or circulating within their district of a time not being less than three months after such appointment, at the expiration of which it will be illegal to fish in that district without a license, stating therein a place or places within the district where licenses may be procured :
- (2.) Licenses shall be granted by boards of conservators at such sums not exceeding the sums mentioned in the fourth schedule hereto, as may be fixed by the said board, to all persons using any instruments or devices whereby salmon, char, or trout are liable to be caught, demanding to purchase the same and tendering to the persons appointed by the board to issue the same the sums fixed by the board as payable for such licenses without any question or objection whatsoever :
- (3.) Licenses shall be issued in such way as the board may from time to time direct. Licenses shall only be available within the fishery district for which they are granted. Licenses shall only be available for the instruments and the portion of the district named therein. Licenses shall only entitle the holders to fish for the period named therein, and in no case for more than a single season. Licenses to fish in public waters shall be available only for such waters. Licenses to fish in private waters shall not be available in public waters, except licenses for the use of a rod and line :



(4.) A license for taking salmon shall authorise the holder to take all other kinds of fish : A.D. 1880.

5 (5.) A license for the use of a rod and line or any movable net, engine, or device used by one person shall be only used by the person to whom it is granted and shall in no case be transferable :

10 (6.) Licenses for fishing weirs, fishing mill dams, putts, putchers, fixed nets, fixed engines, and other fixed instruments or devices shall be available only for the use of the persons to whom they are granted and for such instruments, devices, and modes of using the same as are named and described therein :

15 (7.) Licenses for movable nets or other movable instruments or devices used by more than one person shall be only used by the person to whom they are granted, his partner or servant, and in respect of the instrument for which they are granted. The burden of proving any person to be the partner or servant of a licensee shall rest with the person who alleges the existence of such partnership or service :

20 (8.) Any person claiming to be entitled to an exclusive right of fishery in any river or part of a river may obtain a general license enabling him and any person authorised in writing by him, without any further license, to fish in any legal manner in such river or part of a river, but such general license shall be of no validity beyond the limits specified in it. There shall be paid for such general license such sum as the board, with the sanction of the Secretary of State, may from time to time determine, having regard to the nature, extent, and productiveness of the fishery and the instruments and devices used therein :

30 (9.) No license issued in pursuance of this Act shall give to the holder any right to fish in any place or at any time in or at which the licensee is not otherwise entitled to fish, nor shall it imply any recognition of the legality or otherwise of any instrument or device in respect of which it is granted, or render legal anything that is illegal :

40 (10.) Any licensee producing his license, any water bailiff or conservator producing his instrument of appointment, or any constable may require any person fishing to produce his license, and any person fishing not producing his license

A.D. 1880.

on being so required, or not making a reasonable excuse for the non-production thereof, shall be liable to a penalty not exceeding five pounds.

Power of  
Boards as to  
licenses.

**18.** Subject to the provisions herein-after contained and to the certificate of the Secretary of State a Board of Conservators may do 5 any of the following things in respect of the license duties leviable within their district :

Vary license  
duties.  
36 & 37 Vict.  
c. 71. s. 25.

(1.) Vary the license duties in respect of the time, place, and description of instrument used, and the duties leviable on similar instruments in different parts of their district, 10 specifying in the license the portion of the district in which the said licensed instruments may be used :

Additional  
license duties  
36 & 37 Vict.  
c. 71. s. 57.

(2.) Levy, for the purpose of meeting any special costs, charges, and expenses additional license duties not exceeding in any one year twenty-five per centum of the sum paid for each 15 instrument respectively, such additional duties to be payable at the same time and in addition to the ordinary license duties, and to be deemed to be part of the ordinary license duties ; and when such additional duties are leviable no license granted without payment thereof as well as the 20 ordinary duties payable for such license shall be valid :

Mortgage  
license  
duties.  
28 & 29 Vict.  
c. 121. s. 28.

(3.) Mortgage for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in carrying out the provisions of this Act the license duties authorised to be levied by them, or any other property 25 belonging to them, for such sum or sums of money and at such rate of interest as the board of conservators may determine. And for the purpose of securing the repayment of any sums of money so borrowed, together with such interest as aforesaid, the board may assign over to 30 the persons by or on behalf of whom such sums are advanced the said duties and property or any part or parts thereof. And the clauses of the Commissioners Clauses Act, 1847, with respect to mortgages to be created by the Commissioners, shall form part of and be incorporated 35 with this Act, and any mortgagee or assignee may enforce payment of his principal and interest by the appointment of a receiver : Provided that no such mortgage shall be made by any board of conservators until the Secretary of State has certified his approval of the same : 40

Fishing  
without a  
license.

**19.** Any person taking, killing, or attempting to take or kill, salmon, char, or trout, or using any instrument whereby salmon,

char, or trout are caught without a proper license in any fishery district in which licenses are issued, shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding one pound for each salmon, char, or trout so caught: Provided that if the  
 5 person is fishing with any instrument for which license duty is payable he shall, in the discretion of the Court, be liable to a penalty of not less than double the amount of the license duty for such instrument, but such penalty shall not, in the case of a person fishing with a rod and line, exceed five pounds, and in the case of a person  
 10 fishing otherwise than with rod and line twenty pounds.

A.D. 1880.  
 28 & 29 Vict.  
 c. 121. ss. 35,  
 36.  
 36 & 37 Vict.  
 c. 71. s. 22.

20. The certificate of approval by the Secretary of State to a scale of license duties, the variation of a scale of license duties, the scale of additional license duty, or to a mortgage by any board of conservators under the provisions of the Act, shall not be given  
 15 unless one month's notice of the intention of the Board of Conservators to apply for such certificate, has been given by advertisement in some newspaper or newspapers circulating within the district, and when any such certificate has been given a notice thereof shall be advertised in the same newspaper or news-  
 20 papers.

Approval of  
 Secretary  
 of State to  
 a scale of  
 licenses.

*c. General Powers.*

21. A board of conservators shall have power to do all or any of the following things, that is to say:—

- (1.) From time to time make and revoke rules as to the marks,  
 25 labels, and numbers to be attached or painted upon any net or other instrument, boat, coracle, or other vessel used in fishing; and any person refusing or neglecting to observe any such rules shall be liable to a penalty not exceeding five pounds: Provided that no penalty shall be recoverable  
 30 under such rules until they have been certified by the Secretary of State.
- (2.) To permit by a special permission in writing under the hand of the chairman any person named therein for  
 35 such time as therein mentioned to fish for, take, attempt to take, and have in his possession at any time of the year any unclean or unseasonable salmon, char, or trout, young of salmon, char, or trout, freshwater fish, elvers, or fish roe for such purposes as they may approve, and no person having such permission shall be liable to any of the  
 40 penalties in this Act contained for fishing for, taking, attempting to take, or having in his possession any such

Rules as to  
 marks, labels,  
 &c. on nets  
 and boats.  
 36 & 37 Vict.  
 c. 71. s. 39.  
 sub-s. 7.

28 & 29 Vict.  
 c. 121. s. 60.  
 Authorise  
 possession of  
 unseasonable  
 fish, &c. for  
 scientific  
 purposes.

A.D. 1880.

Take legal  
proceedings.  
28 & 29 Vict.  
c. 121. s. 27.  
36 & 37 Vict.  
c. 71. s. 23.

28 & 29 Vict.  
c. 121. s. 27.

Regulation  
of splash nets  
in the Tyne.

Audit of ac-  
counts of the  
board.  
28 & 29 Vict.  
c. 121. s. 29.

Returns to  
Secretary of  
State.  
36 & 37 Vict.  
c. 71. s. 63.

Penalty on  
clerk or  
officer not  
performing  
duties.  
36 & 37 Vict.  
c. 71. ss. 32,  
63.

salmon, char, or trout, young of salmon, char, or trout,  
freshwater fish, elvers, or fish roe :

- (3.) To take legal proceedings for enforcing the provisions of  
this Act or otherwise as they may be advised :
- (4.) To expend any moneys in their hands in any way not illegal 5  
that they may consider most conducive to the improvement  
of the fisheries of their district :
- (5.) Generally to execute such works, do such acts, and incur  
such expenses as they may deem expedient to be executed,  
done, or incurred for the protection and improvement of 10  
the fisheries within their district, the increase of fish, and  
the stocking of the waters in their district therewith.

**22.** The board of conservators of the Tyne fishery district may  
make regulations for the splash nets used within their district, as to  
the length, depth, size of mesh, and manner of using such nets, the 15  
time or times of the year and day at which and the places, situa-  
tions, and limits within which such nets may be used, and generally  
may make such rules as to the regulation of the said nets as may  
seem to them expedient. Any person neglecting or refusing to  
observe any such rules shall be liable to a penalty not exceeding 20  
five pounds: Provided that no penalty shall be recoverable under  
this section until the rules made by the said board of conservators  
have been certified by the Secretary of State.

**23.** An account of the receipts and disbursements of every board  
of conservators, in such form and with such particulars as may be 25  
required by the court of quarter sessions appointing the board,  
or in the case of a board appointed by more than one county by the  
court of quarter sessions of the audit county, shall be laid before  
such court at the earliest practicable quarter sessions in each year,  
and the justices there assembled may disallow any item that they 30  
consider to be illegal.

**24.** The clerk of every board of conservators shall prepare and  
forward to the Secretary of State before such date as he shall from  
time to time appoint an annual return in such form and made up  
to such date as he shall require. Such return shall contain such 35  
information as the Secretary of State may from time to time direct.

**25.** Any clerk or returning officer of a board of conservators,  
clerk of the peace, town clerk, or clerk to any justices of the peace,  
refusing or neglecting to do or cause to be done all or any of the  
things or duties by this Act directed to be done by him, them, or 40  
any of them respectively, shall be guilty of an offence against this

Act, and shall for each offence be liable to a penalty not exceeding five pounds. A.D. 1880.  
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26. No member of a board of conservators shall be paid any salary, fees, or other remuneration for his acting in any way as a member of or under the board. But nothing herein contained shall apply to prevent a member of a board of conservators who is the owner or occupier of or interested in any lands or hereditaments acquired by or injuriously affected by any act of the board receiving compensation from the board in respect of the same if such member does not vote in respect of the payment of any such compensation to himself.

Prohibition  
of payment  
to members  
of board.  
28 & 29 Vict.  
c. 121. s. 27.  
36 & 37 Vict.  
c. 71. s. 47.

*d. Water Bailiffs.*

27. A board of conservators may from time to time appoint, by writing under the hand of their chairman, a sufficient number of water bailiffs and other officers, and authorise them to exercise all or any of the powers herein-after contained; and remove any water bailiff or officer so appointed: Provided that nothing herein contained shall prevent the said board of conservators from obtaining the services of additional constables under the Act of the third and fourth years of Victoria, chapter eighty-eight, section nineteen, for the purpose of carrying out the provisions of this Act; such constables when so appointed to have all the powers and privileges of water bailiffs, and to be paid for their services by the said board.

Water  
bailiffs.  
28 & 29 Vict.  
c. 121. s. 27.

28. Any water bailiff may do all or any of the following things; (that is to say,) Powers of  
water bailiffs.  
36 & 37 Vict.  
c. 71. s. 36.

- (1.) Examine any weir, dam, fishing weir, fishing mill dam, fixed engine, obstruction, or artificial watercourse connected with any river :
- (2.) Stop and search on any river any boat, barge, coracle, or other vessel used in fishing or which there is reasonable cause to suspect contains any fish :
- (3.) Require any person found fishing to produce his license :
- (4.) Search and examine all nets, baskets, bags, or other instruments or devices used in fishing or in carrying fish by persons whom there is reasonable cause to suspect of having in their possession fish illegally caught or illegal instruments of fishing:
- (5.) Seize any fish, instrument of fishing, or other article forfeitable under this Act found in the possession, custody, or control of any person :
- (6.) For the enforcement of the provisions of this Act every water bailiff shall be deemed to be a constable and to have all the

A.D. 1880.

like powers and privileges and be subject to the like liabilities as a constable duly appointed now has or is subject to by virtue of the common law of this realm or any statute :

(7.) The production of the instrument of his appointment executed in manner herein-before provided shall be a sufficient warrant for any water bailiff exercising the powers given to him by the first five sub-sections of this section. 5

Resistance to  
water bailiff.  
36 & 37 Vict.  
c. 71. ss. 36,  
56.

**29.** Any person also refuses any inspector, water bailiff, or other duly authorised person access to any weir, dam, fishing weir, fishing mill dam, fixed engine, obstruction, river, or watercourse, or refuses to permit any boat, barge, coracle, or other vessel to be stopped and searched by any water bailiff, or resists or obstructs any water bailiff in any such search or examination, or refuses to allow any water bailiff to search or resists or obstructs any water bailiff in searching and examining any nets, baskets, bags, or other instruments or devices used for fishing or carrying fish, or in seizing any articles forfeitable under this Act shall be liable to a penalty not exceeding five pounds. 10 15

Power to  
enter lands.  
36 & 37 Vict.  
c. 17. s. 37.

**30.** Any water bailiff or other officer of a board of conservators may, under a special order in writing signed by the chairman of the board at all reasonable times enter, remain upon, and traverse any lands not being a dwelling-house or the curtilage thereof adjoining or near to any river for the purpose of preventing any breach of the provisions of this Act, and no water bailiff entering, remaining upon, or traversing any land in pursuance of such order shall be deemed a trespasser : Provided always, that this sub-section shall not apply to decoys or land used exclusively for the preservation of wild fowl, and that no such order shall remain in force for more than two months from the date thereof. 20 25

28 & 29 Vict.  
c. 121. s. 31.  
Power to  
enter sus-  
pected  
places.

**31.** Any justice of the peace, on application on oath by any water bailiff that he has good reason to suspect that acts in contravention of this Act are being done or likely to be done on any premises not being a dwelling-house situate on or near to any river, may by order under his hand authorise such water bailiff and other persons therein mentioned, during such period not exceeding twenty-four hours as may be specified therein, to enter upon and remain on such premises during any hour of the day or night for the purpose of detecting the persons guilty of the aforesaid acts, and no water bailiff entering or remaining on any such premises in pursuance of such order shall be deemed to be a trespasser. 30 35 40

24 & 25 Vict.  
c. 109. s. 34.

**32.** Any justice of the peace, upon information upon oath that there is probable cause to suspect any breach of the provisions of

- this Act to have been committed on any premises, or any fish illegally taken, or any illegal nets or other engines to be concealed on any premises, may by warrant under his hand authorise and empower any water bailiff, constable, or police officer to enter such premises for the purpose of detecting such offences at such time or times in the day or night as in such warrant may be mentioned, and to seize all illegal engines and fish illegally taken that may be found on such premises: Provided that no such warrant shall continue in force for more than one week from the date thereof.
- 10 **33.** Any police officer, officer of customs, railway inspector, or water bailiff may, between the third day of September and the second day of April following, open any parcel entered or intended for conveyance or brought to any railway station, office, quay, wharf, or other place, or that may be on any ship, boat, carriage, cart, truck, or waggon, for that purpose, and suspected to contain unclean or unseasonable salmon, char, or trout, and may detain any such salmon, char, or trout found in such parcel until proof is given in manner provided by law of such salmon, char, or trout are such as may be legally conveyed; and if the salmon, char, or trout before such proof is given become unfit for human food the same may be destroyed.
- 25 **34.** If any person between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning illegally takes or kills fish, or is found on or near any river having in his possession for the capture of fish any instrument the use of which is prohibited by this Act or any fish roe, such person may be immediately apprehended without warrant by any police officer, water bailiff, or the owner of the property on which he is found or his servant or any person authorised by him, and forthwith taken before some justice of the peace, and any person found on or near any river as aforesaid having any such instrument or fish roe in his possession shall be liable to a penalty not exceeding five pounds.
- A.D. 1880.  
 41 & 42 Vict.  
 c. 39. s. 9.  
 Power to  
 grant search  
 warrants.  
 28 & 29 Vict.  
 c. 121. s. 65.  
 Power to  
 seize unclean  
 salmon in  
 transit.  
 36 & 37 Vict.  
 c. 71. s. 38.  
 Persons  
 fishing ille-  
 gally at  
 night may  
 be appre-  
 hended.

#### PART IV.

##### LAW OF FISHING.

35

##### *a. Restrictions on certain Modes of destroying Fish.*

**35.** Every person who—

- (1.) Uses any light, otter lath, jack, cross line, wire, snare, spear, gaff, strokehall, snatch, or other like instrument for catching or killing fish:

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Prohibition  
 of lights and  
 spears.

A.D. 1880.  
24 & 25 Vict.  
c. 109. s. 8.  
36 & 37 Vict.  
c. 71. s. 18.

(2.) Has in his possession any light, otter lath, jack, cross line, wire, snare, spear, gaff, strokehall, snatch, or other like instrument, under such circumstances as to satisfy the court before whom he is tried that he intended at the time to catch or kill fish by means thereof :

5

shall incur a penalty not exceeding five pounds and shall forfeit any instrument used by him or found in his possession in contravention of this section ; but this section shall not apply to any person using a gaff as auxiliary to angling with a rod and line at a time during which its use is not prohibited by any byelaw made 10  
under the authority of this Act.

Prohibition  
of the use  
of fish roe  
as a bait.  
24 & 25 Vict.  
c. 109. s. 9.

**36.** No person shall do the following things or any of them :

(1.) Use any fish roe for the purpose of fishing :

(2.) Buy, sell, or expose for sale, or have in his possession any fish roe intended to be used for fishing :

15

Any person acting in contravention of this section shall for each offence incur a penalty not exceeding two pounds and shall forfeit all fish roe found in his possession.

Prohibition  
of certain  
kinds of nets.  
24 & 25 Vict.  
c. 109. s. 10.

**37.** No person shall fish for, take, or attempt to take salmon with any net having a mesh of less dimensions than two inches in 20  
extension from mesh to mesh (the measurement to be made on each side of the square or eight inches measurement round each mesh when wet). Any person acting in contravention of this section shall forfeit all nets and tackle used by him in so doing, and shall for each offence incur a penalty not exceeding five pounds, 25  
and the placing two or more nets behind or near to each other in such manner as to practically diminish the mesh of the nets used or the covering the nets used with canvas, or the using any other artifice so as to evade the provisions of this section shall be deemed to be an act in contravention of this section : Provided that this 30  
section shall not apply to any person who in any fishery district fishes for, takes, or attempts to take salmon with a net having a mesh that may be lawfully used for taking salmon within that district.

No draft  
net to be  
shot within  
100 yards  
of another  
36 & 37 Vict.  
c. 71. s. 14.

**38.** Any person who shall shoot or work any seine or draft net 35  
for salmon in a river across the whole width or more than three-fourths of the width thereof within one hundred yards from the nearest point in the line of shot of any other seine or draft net worked in like manner and already shot or being worked in such river before such last-mentioned net is fully drawn in and landed 40



shall for every such offence be liable to a penalty not exceeding five pounds. A.D. 1880.

39. No fixed engine of any description shall be placed or used for catching or for the purpose of facilitating the catching of salmon, or detaining or obstructing the free passage of salmon in any inland or tidal waters; and any engine placed or used in contravention of this section may be taken possession of or destroyed, and any engine so placed or used, and any salmon taken by such engine shall be forfeited, and in addition thereto the owner of any engine placed or used in contravention of this section shall for each day of so placing or using the same incur a penalty not exceeding ten pounds, and for the purposes of this section a net that is secured by anchors or otherwise temporarily fixed to the soil shall be deemed to be a fixed engine; but this section shall not affect any ancient right or mode of fishing as lawfully exercised on the sixth day of August one thousand eight hundred and sixty-one by any person by virtue of any grant, charter, or immemorial usage: Provided always, that nothing in this section contained shall be deemed to apply to fishing weirs and fishing mill dams.

Penalty on placing fixed engines.  
 24 & 25 Vict.  
 c. 109. s. 11.

40. The following regulations shall be observed with respect to dams:

Penalty on using certain dams.  
 24 & 25 Vict.  
 c. 109. s. 12.

(1.) No dam except such fishing weirs or fishing mill dam as were lawfully in use on the sixth day of August one thousand eight hundred and sixty-one, by virtue of a grant, charter, or immemorial usage, shall be used for the purpose of catching or facilitating the catching of salmon, char, or trout.

(i.) Any person catching or attempting to catch salmon, char, or trout in contravention of this section shall incur a penalty not exceeding five pounds for each offence, and a further penalty not exceeding one pound for each salmon which he catches:

(ii.) All traps, nets, and contrivances used in or in connexion with the dam for the purpose of catching salmon, char, or trout shall be forfeited:

(iii.) All salmon, char, or trout caught in contravention of the above prohibition shall be forfeited.

And no fishing weir, although lawfully in use as aforesaid, shall be used for the purpose of catching salmon unless it have therein such free gap as is herein-after mentioned; and no fishing mill dam, though lawfully in use as aforesaid, shall be used for the purpose of catching salmon, unless it have attached thereto a fish pass of such form and dimensions as shall be certified by the Secretary of State,

A.D. 1880. — nor unless such fish pass has constantly running through it such flow of water as will enable salmon to pass up and down such pass; but so, nevertheless, that such pass shall not be larger nor deeper than requisite for the above purposes.

36 & 37 Vict.  
c. 71. s. 17.

(2.) No person shall catch or kill, or attempt to catch or kill, 5  
except with a rod and line, or scare or disturb, or attempt  
to scare or disturb, any salmon within fifty yards above or  
one hundred yards below any weir, dam, or artificial  
obstruction, which hinder or retard the passage of salmon,  
or in any waters under or appurtenant to any mill, or in 10  
the head race or tail race of any mill, or in any waste race  
or pool communicating with such mill race, or in any arti-  
ficial channel connected with any mill, weir or obstruction.  
And no person shall fish with rod and line in such a  
manner or at such a place near any weir or obstruction as 15  
to wilfully scare or hinder salmon from passing through  
any fish pass or over any part of such weir or obstruc-  
tion usually available to salmon for the purposes of  
passage.

Any person acting in contravention of this section 20  
shall incur a penalty not exceeding five pounds for  
each offence, and a further penalty not exceeding one  
pound for every salmon so caught and shall forfeit all  
boxes, baskets, nets, rods, implements, or devices used or  
placed for catching the same. 25

But this section shall not apply—

- (i.) If such mill or dam has attached thereto a fish pass  
of such form and dimensions as has been or may  
be certified by the Secretary of State, and such fish  
pass has constantly running through it such flow of 30  
water as will enable salmon to pass up and down it :
- (ii.) To any legal fishing mill dam not having a box, crib,  
or cruive :
- (iii.) To any fishing box, coop, apparatus, net, or mode of  
fishing in connexion with or forming part of any 35  
weir or obstruction for the purposes of fishing.

Penalty on  
taking un-  
clean fish.  
24 & 25 Vict.  
c. 109. s. 14.

41. No person shall do any of the following things ; (that is to say,)

- (1.) Wilfully take, kill, injure, or attempt to take, kill, or injure  
any unclean or unseasonable salmon, char, or trout : 40
- (2.) Buy, sell, expose for sale, or have in his possession any  
unclean or unseasonable salmon, char, or trout, or any part  
thereof.

Any person acting in contravention of this section shall incur the following penalties: A.D. 1880.

- (1.) He shall forfeit any fish taken, bought, sold, or exposed for sale, or in his possession ;
- 5 (2.) He shall incur a penalty not exceeding five pounds for each such offence, and a further penalty in respect of each fish taken, sold, or exposed for sale or in his possession :

But this section shall not apply —

To any person who takes such fish accidentally and forthwith  
10 returns the same to the water with the least possible injury.

**42.** No person shall do the following things or any of them ; Penalty on taking the young of salmon.  
(that is to say,)

- (1.) Wilfully take or destroy the young of salmon :
- (2.) Buy, sell, expose for sale, or have in his possession the young  
15 of salmon :
- (3.) Place any device for the purpose of obstructing the passage of the young of salmon :
- (4.) Wilfully injure the young of salmon, char, or trout :
- (5.) Wilfully disturbs any spawning bed or any bank or shallow  
20 on which the spawn of salmon, char, or trout may be.

And any person acting in contravention of this section shall incur the following penalties ; that is to say,

- (1.) He shall forfeit all the young of salmon found in his possession ;
- 25 (2.) He shall forfeit all rods, lines, nets, devices, and instruments used in committing any of the above offences ;
- (3.) He shall pay for each offence a penalty not exceeding five pounds.

But nothing herein contained shall prejudice the legal right of any  
30 owner to take materials from any stream.

**43.** If any person wilfully disturbs or attempts to catch salmon, char, or trout when spawning, or when on or near their spawning beds, he shall for each offence incur a penalty not exceeding five pounds. Penalty on disturbing fish when spawning. 24 & 25 Vict. c. 109. s. 16.

35 **44.** No person shall put, place, or cause to be put or placed, any lime or noxious material in any river whereby any of the fish therein are taken or destroyed ; any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds. Penalty on placing lime in water. 36 & 37 Vict. c. 71 s. 13.

40 **45.** Any person who uses or has in his possession any dynamite or other explosive substance to catch or destroy fish in any water, Penalty on using dynamite. 40 & 41 Vict. c. 65. s. 2.  
[246.] C 4

A.D. 1880. — public or private, shall be liable on summary conviction, in the discretion of the Court, either to a fine not exceeding twenty pounds or to be imprisoned with or without hard labour, for any term not exceeding three months.

Penalties on  
mixing  
poisonous  
substances  
in rivers.  
24 & 25 Vict.  
c. 109. ss. 5,  
6, 7.

**46.** Every person who causes or knowingly permits to flow, puts 5 or knowingly permits to be put into any water containing salmon, or into any tributaries thereof, any liquid or solid matter to such an extent as to poison or kill fish shall incur the following penalties :

Upon a first conviction a penalty not exceeding five pounds :

Upon the second conviction a penalty not exceeding ten pounds ; 10 and a further penalty not exceeding two pounds for every day during which such offence is continued :

Upon the third or any subsequent conviction a penalty not exceeding twenty pounds a day for every day during which such offence is continued, commencing from the date of the 15 third conviction :

But this section shall not apply—

(1.) If the act done is in exercise any right to which the person is by law entitled, if he prove to the satisfaction of the court before whom he is tried that he has used the best 20 practicable means within a reasonable cost to render harmless the liquid or solid matter so permitted to flow or to be put into the water. And nothing herein contained shall prevent any person from acquiring a legal right in cases where he would have acquired it if this Act had not 25 been passed, nor exempt any person from any punishment to which he would otherwise be subject, nor legalise any act or default that would but for this Act be deemed to be a nuisance or otherwise contrary to law :

(2.) If the person against whom proceedings are instituted under 30 this section alleges by way of defence that he has used the best practicable means within a reasonable cost to render such matter harmless, and proves that the expense of permanently preventing the matter complained of would, exclusive of costs, exceed one hundred pounds, and gives 35 such security as the court shall approve to prosecute his appeal and abide the result thereof, all proceedings before the justices shall be stayed, and the defendant may bring an action in the High Court of Justice against the complainant, and the question to be tried in such action shall 40 be whether the defendant has used the best practicable means within a reasonable cost to render such matter

harmless, and such action shall be prosecuted and be subject to the same rules and incidents in all respects as other actions are in the High Court of Justice; and the judgment in such action shall in all subsequent proceedings for the recovery of penalties under this section be conclusive as to the questions tried in it. Any costs that may have been incurred by the parties before the justices shall be deemed to be costs incurred in such action, and shall be dealt with accordingly.

A.D. 1880.

10 (b.) *Restrictions as to Times of Fishing.*

47. No person shall fish for, catch, or attempt to catch or kill salmon during the annual close time, with any instrument or device other than a rod and line, or salmon with a rod and line during the close time for rods. Any person acting in contravention of this section shall forfeit any salmon caught by him, and the net or instrument used in fishing for or catching such salmon, and shall in addition thereto incur a penalty not exceeding five pounds, and a further penalty not exceeding two pounds in respect of each salmon so caught: Provided always, that with regard to putts and putchers the period between the first day of September and the first day of May, both inclusive, shall be the annual close time for fishing with putts and putchers.

Penalty on fishing during the annual close time.  
24 & 25 Vict. c. 109. s. 17.

48. No person shall fish for, catch, or kill by any means other than a rod and line any salmon during the weekly close time; any person acting in contravention of this section shall forfeit all fish taken by him, and any net or instrument used by him in taking or attempting to take the same, and in addition thereto shall incur a penalty not exceeding five pounds, and a further penalty not exceeding one pound in respect of each fish so taken. But this section shall not apply to any person who between the second day of May and the thirtieth day of August both inclusive, fishes for, catches, or attempts to catch salmon with putts and putchers during the weekly close time.

Penalty on fishing during the weekly close time.  
24 & 25 Vict. c. 109. s. 21.

49. The proprietor or occupier of every fishery for salmon shall, within thirty-six hours after the commencement of the close season, cause to be removed and carried away from the waters within his fishery the inscales, hecks, tops, and rails of all cruives, boxes, or cribs, and all planks and temporary fixtures used for taking or killing salmon, and all other obstructions to the free passage of fish in or through the cruives, cribs, and boxes within his fishery; and if any proprietor or occupier omits to remove and carry away in

Removal of fixed engines during close time.  
24 & 25 Vict. c. 109. s. 20.

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A.D. 1880. manner aforesaid any things hereby required to be removed and carried away he shall incur the following penalties; (that is to say)

- (1.) He shall forfeit all the engines or other things that are not removed and carried away in compliance with this section:
- (2.) He shall, for every day during which he suffers such things to remain unremoved beyond the period prescribed by this Act, pay a sum not exceeding ten pounds.

A free passage to be left through cribs or traps during weekly close time.  
24 & 25 Vict.  
c. 109. s. 25.

**50.** The proprietor or occupier of every fishery shall, between twelve of the clock at noon on Saturday, and six of the clock on the Monday morning following, maintain a clear opening, of not less than four feet in width from the bottom to the top, through all cribs, boxes, or cruives used for taking salmon within his fishery, so that a free space of that width is effectually secured for the passage of fish up and down through each box, crib, or cruive, whether used for the purpose of fishing or not; and shall, for the maintaining such opening, remove the inscales and rails of all such boxes, cribs or cruives; and any person acting in contravention of this section shall incur the following penalties:

- (1.) He shall, for each offence pay a sum not exceeding five pounds, and a further penalty not exceeding one pound for each fish so taken:
- (2.) He shall forfeit every fish caught in contravention of this section.

Interference with salmon in close times.  
36 & 37 Vict.  
c. 71. s. 16.

**51.** No person shall, during the annual or weekly close time, in any year, place any obstruction, use any contrivance, or do any act, for the purpose of deterring salmon from passing up a river; and any person acting in contravention of this section shall be liable to a penalty of not exceeding five pounds: Provided always, that nothing in this section shall apply to any kind of fishing for fish other than salmon legally practised in any river.

Close time for char or trout.  
36 & 37 Vict.  
c. 71. s. 64.

**52.** No person shall fish for, catch, or kill, or attempt to catch or kill any char or trout during the close time for char or trout, any person acting in contravention of this section shall forfeit any char or trout caught by him, and shall incur a penalty not exceeding two pounds for each offence.

Close time for freshwater fish.  
41 & 42 Vict.  
c. 39. s. 11.

**53.** The period between the fifteenth day of March and the fifteenth day of June, both inclusive, shall be a close time for freshwater fish:

- (1.) If any person during this close time fishes for, catches, or attempts to catch or kill any freshwater fish in any river, lake, tributary, stream, or other water connecting or communicating with such river, he shall, on summary conviction,

tion before two justices, be liable to a fine not exceeding A.D. 1880.  
forty shillings :

Nothing in this sub-section shall apply—

5 (a.) To the owner of any several or private fishery  
where trout, char, or grayling are specially preserved  
destroying within such fishery any freshwater fish  
other than grayling ;

10 (b.) To any person angling in any several fishery  
with the leave of the owner of such fishery or in any  
public fishery under the jurisdiction of a board of  
conservators with the leave of the said board ;

(c.) To any person taking freshwater fish for  
scientific purposes ;

15 (d.) To any person taking freshwater fish for use  
as bait :

(2.) If any person during this close time buys, sells, or exposes  
for sale, or has in his possession for sale, any freshwater  
fish, he shall, on summary conviction before two justices,  
be liable to a fine not exceeding forty shillings :

20 (3.) On a second or any subsequent conviction under this section  
the person convicted shall be liable to a fine not exceeding  
five pounds :

25 (4.) After every conviction under this section the person or  
person convicted shall forfeit all fish so caught, bought,  
sold, exposed for sale, or in possession for sale, and shall  
be liable, at the discretion of the convicting justices, to the  
forfeiture of all instruments used in the taking of such  
fish :

30 (5.) A board of conservators appointed under this Act, may, as  
regards any or all kinds of freshwater fish, with the  
approval of the Secretary of State, exempt the whole or  
any part of their district from the operation of the first,  
second, and third sub-sections of this section. The exemp-  
tion shall be advertised in such manner as the Secretary of  
35 State shall direct :

54. No person, between the first day of January and the twenty-  
fourth day of June inclusive, shall hang, fix, or use in any salmon  
river any baskets, nets, traps, or devices for catching eels, or place  
in any inland water any device whatsoever to catch or obstruct any  
40 fish descending the stream ; or shall at any time place upon the  
apron of any weir any basket, trap, or device for taking fish, except  
wheels or leaps for taking lamperns between the first day of August

No eel  
baskets, &c.  
to be fixed  
between 1st  
January and  
24th day of  
June.  
36 & 37 Vict.  
c. 71. s. 15.

**A.D. 1880.** and the first day of March ; and any person acting in contravention of this section shall incur a penalty not exceeding two pounds for every day during which he suffers such engines to be fixed or used as aforesaid. But nothing herein contained shall extend to prohibit the use of eel baskets not exceeding in any part ten inches in diameter constructed so as to be fished with bait, and not used at any dam or weir.

Close time  
for elvers in  
the River  
Severn  
Fishery  
District.  
39 & 40 Vict.  
c. 34.

**55.** With respect to the River Severn Fishery District the period between the twenty-six day of April and the twenty-fourth day of June, inclusive, shall be a close time for elvers or the fry of eels, and the following provisions shall apply :

(a.) Any person who, during the said close time, shall take or use any instrument for taking in the River Severn Fishery District elvers or the fry of eels shall, on summary conviction before two justices, be liable to a penalty not exceeding twenty shillings :

(b.) Any person who, during the said close time, shall sell or have, in his possession elvers or the fry of eels within the hundreds of Kiftsgate, Deerhurst, Dudstone and Kings Barton, Berkeley, Duchy of Lancaster, Westbury, Westminster, and Tewkesbury, in the county of Gloucester, or in the county of the city of Gloucester, or the lower hundred of Oswaldeslow, shall, on summary conviction before two justices, be liable to a penalty not exceeding twenty shillings, unless he satisfies the court before whom he is charged that such elvers or the fry of eels were not taken within the Severn Fishery District.

Penalty on  
selling fish  
during close  
time.

36 & 37 Vict.  
c. 71. s. 19.  
24 & 25 Vict.  
c. 121. s. 64.  
36 & 37 Vict.  
c. 71. s. 18.

**56.** No person shall buy, sell, or expose for sale, or have in his possession for sale, any of the following fish during the times hereinafter respectively mentioned ; (that is to say,)

Salmon between the third day of September and the first day of February following, both inclusive :

Trout or char between the second day of October and the first day of February following, both inclusive :

But this sub-section shall not apply—

(a.) To any person buying, selling, or exposing for sale, or having in his possession for sale, any salmon which has been cured, salted, pickled, or dried beyond the limits of the United Kingdom :

(b.) To any person buying, selling, exposing for sale, or having in his possession for sale, any salmon which has been cured, salted, pickled, or dried within the limits of the



United Kingdom between the first day of February and  
the third day of November in any year :

A.D. 1880.

- 5 (c.) To any person buying, selling, exposing for sale, or having  
in his possession for sale, any clean fresh salmon caught  
within the limits of this Act, provided that its capture  
by any means other than rod and line was lawful at  
the time and place where it was caught :
- 10 (d.) To any person buying, selling, exposing for sale, or having  
in his possession for sale, any clean fresh salmon caught  
beyond the limits of this Act, but within the United  
Kingdom, provided that its capture by any means other  
than rod and line was lawful at the time when and  
place where it was caught :
- 15 (e.) To any person buying, selling, exposing for sale, or having  
in his possession for sale, any clean fresh salmon caught  
in parts beyond the seas.

Any person acting in contravention of this section shall forfeit  
any fish or part of any fish so bought, sold, or exposed for sale or in  
his possession for sale, and shall incur a penalty not exceeding two  
20 pounds for every such fish or part of a fish.

57. No unclean or unseasonable salmon, and no salmon caught  
during the time at which the sale of salmon is prohibited in the  
district where it is caught, shall be exported or entered for exporta-  
tion from any part of the United Kingdom to parts beyond the seas.
- 25 All salmon exported or entered for exportation in contravention  
of this section shall be forfeited, and the person exporting or entering  
the same for exportation shall be subject to a penalty not exceeding  
five pounds in respect of each salmon so exported or entered for  
exportation.
- 30 The burden of proving that any salmon entered for exportation  
from any part of the United Kingdom to parts beyond seas between  
the third day of September and the thirtieth day of April following is  
not so entered in contravention of this Act shall lie on the person  
entering the same for exportation.
- 35 58. All salmon intended for exportation shall be entered for that  
purpose with the proper officer of Customs, at the port or place of  
intended exportation, before shipment thereof ; and any salmon  
shipped or exported or brought to any wharf, quay, or other place  
for exportation, between the third day of September and the thirtieth  
40 day of April following, contrary to this section, shall be forfeited,  
and the person shipping or exporting, or bringing the same for  
exportation, shall be liable to a penalty not exceeding two pounds

Export of  
unclean or  
unseasonable  
salmon, or  
salmon  
caught in  
close time,  
prohibited.  
26 Vict.  
c. 10. s. 3.

33 & 34 Vict.  
c. 33. s. 3.

Provisions  
as to export-  
ation of  
salmon.  
28 & 29 Vict.  
c. 121. s. 65.

**A.D. 1880.** for every salmon so shipped or exported, or brought for exportation; and any officer of the Customs may, between the third day of September and the thirtieth day of April, open any parcel entered or intended for exportation, or brought to any quay, wharf, or other place for that purpose, and suspected by him to contain salmon, and may detain any salmon found in such parcel until proof is given, in manner provided by law, of the salmon being such as may be legally exported; and if the salmon, before such proof is given, become unfit for human food, the officer of Customs may destroy the same. 10

## PART V.

## DAMS, WEIRS, AND FISH PASSES.

Power to  
purchase  
dams, &c. by  
agreement.  
28 & 29 Vict.  
c. 121. s. 27.

**59.** A board of conservators may purchase by agreement any dams, weirs, fishing weirs, fishing mill dams, fixed engines, obstructions, land, or hereditaments that they may deem it expedient to acquire 15 for the benefit of the fisheries within their district; and for the purposes of this section the provisions of the Lands Clauses Consolidation Acts as to the purchase of land by agreement shall be deemed to be incorporated with and to apply to this Act as if this Act were the special Act therein referred to. 20

36 & 37 Vict.  
c. 71. s. 49.  
Compulsory  
purchase of  
dams, &c.

**60.** A board of conservators shall have power to purchase for the purpose of removal any weir, dam, fishing weir, fishing mill dam, fixed engine, artificial or natural obstruction which hinders or retards the passage of fish and which it is desirable should be removed in whole or in part, or any land required for making 25 a fish pass and which the owner thereof is unable or unwilling to sell, or as to which the board of conservators cannot agree with the owner as to the price to be paid for the purchase thereof, subject to the following rules:

- (a.) The board shall give to the owner and occupier one month's 30 notice in writing of their intention to present a petition to the Secretary of State praying to be allowed to put in force the powers of the Lands Clauses Consolidation Acts with respect to the taking and purchase of lands otherwise than by agreement in respect of such weir, dam, fishing 35 weir, fishing mill dam, fixed engine, artificial or natural obstruction or land and the premises used in connexion therewith:
- (b.) At the expiration of such month the petition shall be presented to the Secretary of State supported by such 40 evidence as he may require:

A.D. 1880.

- (c.) If the Secretary of State is of opinion after due inquiry that such purchase is desirable, and the board prove to the satisfaction of the Secretary of State that they are provided with funds sufficient to complete such purchase, he may empower the board by Provisional Order to put in force with reference to such lands and premises as are specified in such Order the powers of the Lands Clauses Consolidation Acts as to the purchase of lands otherwise than by agreement with such conditions and modifications as he may direct :
- (d.) The board shall thereupon serve a copy of such order on the owner and occupier of the lands and premises mentioned in it :
- (e.) Such Provisional Order shall have no validity until confirmed by Act of Parliament, and the Act confirming the same shall be deemed to be a Public General Act of Parliament, and the board shall thereupon be deemed to be the promoters of an undertaking to acquire the lands and premises in the said Order mentioned :
- (f.) None of the powers given under this sub-section shall apply to any weir constructed under any Act of Parliament for the purpose of improving the navigation of any river or of supplying any town with water :

61. A board of conservators or any proprietor of a fishery with the written consent of the Secretary of State may attach to every dam that was in existence on the sixth day of August one thousand eight hundred and sixty-one a fish pass, of such form and dimensions as the Secretary of State may certify, so that no injury be done to the milling power or to the supply of water to or of any navigable river, canal, or other inland navigation by such fish pass; and any person obstructing any person legally authorised in erecting or doing any necessary act to erect or maintain such fish pass shall incur a penalty not exceeding ten pounds for each act of obstruction; and any person injuring such fish pass shall pay the expense of repairing the injury, such expense to be recovered in a summary manner, and, in addition thereto, if such injury is wilful, shall incur a penalty not exceeding five pounds; and any person doing any act for the purpose of preventing salmon from passing through a fish pass, or taking any salmon in its passage through the same, shall incur a penalty not exceeding five pounds for a first offence, and not exceeding ten pounds for each subsequent offence, and shall forfeit any salmon taken by him in

Board of conservators with consent of the Secretary of State may attach fish passes to existing dams.  
24 & 25 Vict. c. 109. s. 23.

A.D. 1880.            contravention of this section, and any instrument used by him in taking the same : Provided that if any injury is done to any dam by reason of the affixing of a fish pass in pursuance of this section, any person sustaining any loss thereby may recover compensation for such injury in a summary manner from the person or body of 5 persons by whom such fish pass has been affixed if proceedings for the recovery of the same are instituted within two years from the time at which the fish pass was first affixed.

Notice re-  
quired be-  
fore the  
Secretary  
of State  
certifies.  
24 & 25 Vict.  
c. 109. s. 24.

**62.** The Secretary of State shall not give his certificate for the attachment by a board of conservators or a proprietor of a fish pass 10 to any dam, in pursuance of the last preceding section, unless such proprietor proves, to the satisfaction of the Secretary of State, that he has served notice on the owner of such dam of his intention to apply for such consent, and at the same time has furnished him with plan and specification of the fish pass which he proposes to 15 erect, a reasonable time before his application ; and it shall be lawful for such owner to urge any objections he may think fit to the Secretary of State against his giving his certificate, and the Secretary of State shall take any objections so made into consideration before giving his certificate for the attachment of the fish 20 pass.

Penalty on  
rebuilding or  
making new  
weirs without  
fish passes.  
24 & 25 Vict.  
c. 109. s. 25.  
36 & 37 Vict.  
c. 71. s. 46.

**63.** Every person who in any salmon river constructs a new dam or raises or alters so as to cause increased obstruction to fish any existing dam, or has created, caused, or increased, or shall hereafter create, cause, or increase any obstruction to the passage of fish, or 25 who rebuilds or reinstates any dam, weir, or obstruction which from any cause shall have been destroyed or fallen or taken down to the extent of one half of its length shall attach and maintain attached thereto as part of the structure thereof a fish pass of such form and dimensions as the Secretary of State shall certify, and any person 30 who omits or fails to make such fish pass, or who newly builds a dam, weir, or obstruction without providing such fish pass, or who raises or alters any existing dam, weir, or obstruction in whole or part so as to cause increased obstruction to the passage of fish, or who makes or continues any obstruction whatsoever to the passage 35 of fish without lawful authority, shall incur a penalty not exceeding twenty pounds for every such offence, and a further penalty not exceeding two pounds for every day during which such offence is continued, commencing from the date of the first conviction. And it shall be lawful for the Secretary of State to cause to be done any 40 work by this section required to be done by any person, and to recover the expense of doing the same in a summary manner from

such person or from the owner or occupier of such obstruction who shall neglect to do the same. A.D. 1880.

But this section shall not authorise anything to be done that may injuriously affect any navigable river, canal, or inland navigation, nor shall anything herein contained prevent any person from removing any fish pass for the purpose of repairing or altering such obstruction so that within a reasonable time he restore such fish pass in as effectual a state as it was before he removed the same. For the purpose of this section the owner or occupier of any obstruction for the time being shall be deemed to be the person who created or caused or increased such obstruction as aforesaid.

64. On application to the Secretary of State by any board of conservators, setting forth that any fish pass or free gap within their district that has been made or affixed since the sixth day of August one thousand eight hundred and sixty-one, is in their opinion capable of improvement, the said Secretary of State may direct any alteration to be made in the said fish pass or free gap, or may direct a new fish pass or free gap to be made in another site, and the board of conservators shall defray all costs, charges, and expenses attending the alteration or erection of any such fish pass or free gap, and for the purposes of this section, where a river is divided into separate branches, each branch shall be considered as a separate river: Provided, that no injury shall be done under the exercise of the powers given by this section to the supply of water to or of any navigable river, canal, or other inland navigation.

Alteration  
of fish pass  
or free gap.  
28 & 29 Vict.  
c. 121. s. 32.

65. Any person obstructing a person legally authorised to erect or do any act necessary to erect or maintain any fish pass or free gap shall incur a penalty not exceeding ten pounds for each act of obstruction. Any person injuring any fish pass or free gap already erected or in the course of erection shall pay the expense of repairing the injury, and if such injury is wilful shall incur a penalty not exceeding five pounds.

Obstructing  
the erection  
of or injuring  
fish passes.

66. When sluices for drawing off the water are attached to any dam or mill, or are used in connexion therewith, they shall be kept shut so as to enable the fish to ascend or descend the stream or fish pass (if any) at all times when the water is not required for milling purposes: Provided that nothing herein contained or any of the rules herein-after mentioned shall preclude any person from opening a sluice for the purpose of letting off the water in the case of a flood, or for milling purposes, or when necessary for the purpose of navigation, or for cleansing or repairing any mill dam or any appurtenances

Rules as  
to sluices in  
dams.  
24 & 25 Vict.  
c. 109. s. 26.  
36 & 37 Vict.  
c. 71. s. 53.

A.D. 1880. thereto : Provided also, that the board of conservators of the district may make rules as to the times during which any sluices shall be kept shut or open. Any person making default in complying with the requirements of this section, or refusing or neglecting to observe any rules made by a board of conservators hereunder and certified 5 by the Secretary of State, shall incur a penalty not exceeding five shillings an hour for every hour during which such default continues.

Penalty on  
injuring and  
rendering  
fish pass  
inefficient.  
36 & 37 Vict.  
c. 71. s. 48.

**67.** Any person wilfully altering or injuring any fish pass, or doing any act whereby fish are obstructed or liable to be obstructed in using such fish pass, or whereby such fish pass is rendered less 10 efficient, or altering the bed or banks of the river so as to render any fish pass less efficient, or using any contrivance or doing any act whereby fish are in anywise liable to be scared, hindered, or prevented from passing through such fish pass, shall for every such offence incur a penalty of not exceeding five pounds, and a further 15 penalty of not exceeding one pound for every day during which any such alteration, obstruction, or contrivance is continued from the date of a second conviction for such offence, in addition to any expense which may be incurred in restoring such fish pass to its former state of efficiency. 20

Provision as  
to Severn  
navigation  
weirs.

36 & 37 Vict.  
c. 71. s. 55.

**68.** Whereas it is expedient that the dams or weirs which have been constructed by the Severn Commissioners under the provisions of the Severn Navigation Acts, 1842 and 1853, should be placed under the same general law as is applicable to dams or weirs under this Act : Be it therefore enacted, that each of the dams or weirs 25 constructed by the Severn Commissioners under the provisions of the Severn Navigation Acts, 1842 and 1853, respectively, or either of them, shall be deemed a dam or weir within the meaning of this Act ; and the provisions of this Act shall apply thereto, and that every fish pass now existing in the said dams or weirs or either 30 of them, or which may be constructed therein under the provisions of this Act, shall be deemed a fish pass within the meaning of this Act, and shall be maintained in an efficient state by the said Severn Commissioners.

Power to  
enter and  
inspect  
weirs, dams,  
&c.

36 & 37 Vict.  
c. 71. s. 56.

**69.** Any inspector, or any person or persons duly appointed in 35 writing by a board of conservators, may at all times enter upon any lands to inspect any weir, dam, fishing weir, fishing mill dam, fixed engine, obstruction, mill race, or watercourse, and any person either refusing to admit or obstructing them or any of them in entering any such place or places be liable to a penalty not exceeding five pounds.

*Restrictions as to Fishing Weirs.*

A.D. 1880.

70. Where any fishing weir extends more than halfway across any stream at its lowest state of water, it shall have a free gap or opening in accordance with the regulations following, unless otherwise authorized by the Secretary of State; that is to say,

Construction  
of free gaps.  
24 & 25 Vict.  
c. 109. s. 27.

- (1.) The free gap shall be situate in the deepest part of the stream between the points where it is intercepted by the weir :
- (2.) The sides of the gap shall be in a line with and parallel to the direction of the stream at the weir :
- 10 (3.) The bottom of the gap shall be level with the natural bed of the stream above and below the gap :
- (4.) The width of the gap in its narrowest part shall be not less than one tenth part of the width of the stream : Provided always, that such gap shall not be required to be wider  
15 than forty feet, and shall not in any case be narrower than three feet.

71. The following rules shall be observed for the purpose of enforcing efficient free gaps in fishing weirs ; that is to say,

Enforcing  
free gaps  
in fishing  
weirs.

- 20 (1.) Where a weir is without a legal free gap at the time of the commencement of this Act the owner of such weir shall within twelve months after the commencement of this Act make such a gap, and if he does not he shall incur a penalty not exceeding five pounds for every day after the expiration of such period of twelve months during which  
25 he does not make such gap :
- (2.) Where a free gap has been made in a weir, but the same is not maintained in accordance with this Act, the owner of such weir shall incur a penalty not exceeding one pound a day for each day he is in default :
- 30 (3.) No alteration shall be made in the bed of any river in such manner as to reduce the flow of water through a free gap ; if it is, the person making the same shall incur a penalty not exceeding five pounds, and a further penalty of one pound a day until he restores the bed of the river to its  
35 original state :
- (4.) No person shall place any obstruction, use any contrivance, or do any act whereby fish may be scared, deterred, or in any way prevented from freely entering and passing up and  
40 down a free gap at all periods of the year ; and any person placing any obstruction, using any contrivance, or doing

24 & 25 Vict.  
c. 109. s. 28.

A.D. 1880.

any act in contravention of the regulation lastly herein-  
before contained shall incur a penalty not exceeding five  
pounds for the first offence, and not exceeding ten pounds  
for each subsequent offence ; but this last regulation shall  
not apply to a temporary bridge or board used for crossing 5  
the free gap, and taken away immediately when a person  
has crossed the same.

Construction  
of boxes  
and cribs  
in fishing  
weirs and  
fishing mill  
dams.  
24 & 25 Vict.  
c. 109. s. 29.

**72.** The following rules shall be observed in relation to the con-  
struction of boxes and cribs in fishing weirs and fishing mill dams ;  
that is to say, 10

(1.) The upper surface of the sill shall be level with the bed of  
the river :

(2.) The bars or inscales of the heck or upstream side of the box  
or crib shall not be nearer each other than two inches, and  
shall be capable of being removed and shall be placed 15  
perpendicularly :

And the owner of any fishing weir or fishing mill dam that has  
attached thereto any box or crib in contravention of this Act shall  
bring the same into conformity with this Act within six months  
after the commencement of this Act ; and he shall incur a penalty 20  
not exceeding five pounds for every day after the expiration of such  
period of six months during which he fails to comply with the  
provisions of this section ; and any owner failing so to maintain  
the same shall incur a penalty not exceeding one pound for every  
day during which such failure continues. 25

Construction  
of spur walls  
in fishing  
weirs or  
fishing mill  
dams.  
24 & 25 Vict.  
c. 109. s. 30.

**73.** There shall not be attached to any box or crib in any fishing  
weir or fishing mill dam any spur or tail wall, leader, or outrigger  
of a greater length than twenty feet from the upper or lower side of  
such box or crib ; and if any box or crib in any fishing weir or  
fishing mill dam has any walls, leaders, or outriggers in contraven- 30  
tion of this section, the owner of the weir or fishing mill dam shall  
incur a penalty not exceeding one pound for every day during the  
continuance thereof.

Penalty on  
company or  
person not  
erecting  
gratings to  
prevent the  
descent of  
salmon into  
artificial  
streams.

## PART VI.

### GRATINGS.

35

**74.** Where salmon or the young of salmon are led aside out of  
a main stream by means of any artificial channel used for the  
purpose of supplying towns with water, or for supplying any



- navigable canal, the Company or persons having the control over such artificial channel shall put up and shall maintain, at their own costs and charges, such grating or gratings across such channel, for the purpose of preventing the descent of the salmon or the  
5 young of salmon, as shall be certified by the Secretary of State; and any company or persons failing to put a grating or gratings in cases where they are required to do so by this section shall incur a penalty not exceeding five pounds for every day during which he fails to comply with the provisions of this section; and any  
10 such company or person failing so to maintain the same shall incur a penalty not exceeding one pound for every day during which such failure continues: Provided always, that no such grating shall be so placed as to interfere with the passage of the boats on any navigable canal.
- 15 **75.** When after the commencement of this Act any cut, leat, or channel is made or opened from any river for any purpose by which fish are liable to be led aside out of the main stream, the person making, opening, or having the control over such cut, leat, or channel shall at his own cost erect and maintain therein such grating as  
20 the Secretary of State shall certify. Any person omitting to erect such grating within three months from making or opening such cut, leat, or channel shall incur a penalty not exceeding five pounds per day for every day during which he fails to comply with the provisions of this section, and every person neglecting to maintain  
25 such grating shall incur a penalty not exceeding one pound a day for every day during which such failure continues:
- 76.** Any board of conservators, after due notice to the owner or occupier of any mill or other premises, at the expense of such board during such period as they may prescribe in each year, may  
30 order to be placed in any watercourse, mill race, cut, leat, or other channel for conveying water for any purpose from any river frequented by salmon at or near the point of divergence from and return to such river, or either of them, or in any other suitable place, a grating of such form and dimensions as they shall deter-  
35 mine: Provided always, that nothing herein contained shall affect the liability of any person to place and maintain a grating or gratings across any artificial channel under the provisions of the seventy-fourth section of this Act, nor shall authorise any grating to be placed so as to obstruct any channel used for navigation or  
40 in any way to interfere with the effective working of any mill.

A.D. 1880.

24 & 25 Vict.  
c. 109. s. 13.

Owner to  
erect and  
maintain  
gratings to  
new chan-  
nels.

Gratings  
in water-  
courses.  
36 & 37 Vict.  
c. 71. s. 58.

- proceedings before courts of summary jurisdiction, and the general provisions as to local jurisdiction of courts of summary jurisdiction are hereby incorporated, except that all moneys received and penalties recovered under this Act and all articles forfeited under  
5 this Act and the proceeds of the sale thereof, shall be paid to the board of conservators for the district, to be applied by them for the purposes of carrying this Act into execution. Any offence against this Act committed within Scotch jurisdiction shall be prosecuted and punished in manner directed by the Salmon Fisheries (Scotland)  
10 Act, 1862. A.D. 1880.  
28 & 29 Vict.  
c. 121. s. 62.
81. Any offence under this Act committed on the sea coast or at sea beyond the ordinary jurisdiction of any court of summary jurisdiction shall be deemed to have been committed within the body of the county or counties adjoining or abutting on such sea or  
15 sea coast, and may be tried and punished by any court of summary jurisdiction in such county or counties. Offences at  
sea, where to  
be tried.  
24 & 25 Vict.  
c. 109. s. 37.
82. No justice of the peace shall be disqualified from hearing any case under this Act by reason of his being a member of a board of conservators or a subscriber to any fishery association or society.  
20 But no justice shall be entitled to hear any case in respect of an offence committed on his own land. Disqualifica-  
tion of jus-  
tices.  
28 & 29 Vict.  
c. 121. s. 61.
83. Where any person has been convicted twice of an offence under any of the following sections of this Act, that is to say, sections thirty-five, thirty-six, forty-one, forty-seven, and fifty-six,  
25 he may, on being convicted a third time for an offence against any of the said sections, instead of being fined in a pecuniary penalty, be sentenced to imprisonment with or without hard labour for any period not less than one month and not exceeding three months, and, if a licensee, he shall on being convicted a second time of an  
30 offence against this Act, forfeit his licence. Power in  
certain cases  
to award  
imprison-  
ment with  
hard labour  
instead of  
penalty.  
28 & 29 Vict.  
c. 121. s. 56.
84. The penalty in respect of any offence under this Act or any byelaw made under the authority thereof, shall, on a conviction for a second offence, be not less than one half of the greatest penalty capable of being imposed in respect of such offence; and on con-  
35 viction for a third or any subsequent offence the greatest amount of penalty mentioned in the said Acts shall be imposed; but nothing herein contained shall affect the provisions herein contained, in respect of the discretion of imposing the punishment of hard labour as herein mentioned: Provided always, that it shall not be impera-  
40 tive on any justices under the provisions of this section to inflict a Minimum  
penalties.  
28 & 29 Vict.  
c. 121. s. 57.

A.D. 1880.

Rules as to  
evidence.  
36 & 37 Vict.  
c. 71. s. 64.

greater penalty than fifty shillings for a second offence, or than five pounds for a third offence.

**85.** The following rules shall apply as to evidence in all legal proceedings under this Act in all courts of summary jurisdiction and all others whatsoever: 5

(1.) The provisions of the Documentary Evidence Act, 1868, shall apply to any certificate of the Secretary of State granted in accordance with the provisions of the Salmon Fishery Acts, 1861 to 1876, or this Act:

28 & 29 Vict.  
c. 121. s. 53.

(2.) The copy of a certificate of a fixed engine being a privileged 10  
fixed engine given by the special Commissioners for English fisheries deposited with the clerk of the peace for the county or with the clerk of the board of conservators for the district in which such fixed engine is situate, shall be conclusive evidence as to the determination of the 15  
said Commissioners with reference to such engine:

28 & 29 Vict.  
c. 121. ss. 18,  
34.

(3.) The production of a copy of any newspaper or newspapers circulating within the district containing a notice of the appointment of a board of conservators, of the names and addresses of the board, of a time after which it is illegal 20  
to fish in such district without a license shall be evidence that everything required to be done for the legal validity of those acts has been duly done and performed:

36 & 37 Vict.  
c. 71. s. 35.

(4.) A copy of or extract from the minutes of any meeting of a board of conservators, sealed with the seal of the board, 25  
signed by the chairman of the board for the time being, and certified by him to be a correct copy thereof, shall be evidence of all that took place at such meeting and that the meeting was duly convened and held and all members duly qualified: 30

36 & 37 Vict.  
c. 71. s. 45.

(5.) A copy of any byelaw sealed with the seal of the board and signed by the acting chairman for the time being shall be evidence of the existence and due making of such byelaw:

36 & 37 Vict.  
c. 71. s. 11.

(6.) A certificate of the conviction of any person under this Act in the form contained in the Third Schedule hereto, signed 35  
by the clerk of the court of summary jurisdiction before which such person was convicted, shall be conclusive evidence of such conviction having taken place, and it shall be the duty of the clerk of a court of summary jurisdiction when a person is convicted of any offence against 40  
this Act to make out, sign, and send to the clerk of the board

of conservators for the district within which such conviction took place such certificate within one calendar month of the date of such conviction, and the cost of preparing and sending such certificate and any fee payable in respect thereof shall be deemed to be part of and included in the costs payable by the defendant on such conviction.

A.D. 1880.

Any copy or extract in this section mentioned may be partly in writing or partly in print. No proof shall be required of the handwriting or official position of any person hereby authorised to sign or certify any of the foregoing documents, nor of the custody from which such documents came.

At the hearing of any case under this Act the person charged with any offence shall not be entitled to require proof of the formation of the district, appointment of the board of conservators, the due election of such board, the fixing of a time after which it is illegal to fish in any district without a license, the approval of the Secretary of State to a scale of license duties, the validity or existence of any byelaw, unless not less than three days before the hearing of such case a notice in writing signed by him or his solicitor be sent to the clerk of the board, stating his intention to require proof of the same, and the court on hearing the case shall, unless they are of opinion that there was reasonable ground to require such proof, whatever may be the result of the case, order the party requiring such proof to pay the costs of proving the same.

No objection shall be made at any trial or in any legal proceedings whatsoever as to the validity of any order or proceeding of a board of conservators on account of any vacancy or vacancies in their body, and no defect in the qualification, appointment, or election of any ex-officio or representative member of a board of conservators or of any person acting or purporting to act as a member of such board shall vitiate any proceedings of such board in which he or they may have taken part.

28 & 29 Vict.  
c. 121. s. 25.  
Vacancies in  
board and  
defect in  
qualification  
of members.

86. In this Act and in any byelaws made under the authority thereof, unless there is something repugnant in the context, the words and expressions herein-after mentioned shall have the meanings hereby assigned to them; (that is to say,)

Interpreta-  
tion of terms.  
24 & 25 Vict.  
c. 109. s. 4.  
28 & 29 Vict.  
c. 121. s. 3.  
36 & 37 Vict.  
c. 71. s. 4.  
"Annual  
close time."

"Annual close time" shall mean the period between the first day of September and the first day of February next following, both inclusive, or any period which may be substituted for the same by any byelaw made under the authority of this Act:

"Close time for rods" shall mean the period between the second day of November and the first day of February next following, both

"Close time  
for rods."

- A.D. 1880. inclusive, or any period which may be substituted for the same by any byelaw made under the authority of this Act :
- “Close time for char or trout.” “Close time for char or trout” shall mean the period between the second day of October and the first day of February following, both inclusive, or any period which may be substituted for the same 5 by any byelaw made under the authority of this Act :
- “Close time for freshwater fish.” “Close time for freshwater fish” shall mean the period between the fifteenth day of March and the fifteenth day of June following, both inclusive, or any period which may be substituted for the same 10 by any byelaw made under the authority of this Act :
- “Weekly close time.” “Weekly close time” shall mean the period between the hour of twelve of the clock at noon on Saturday and the hour of six of the clock on the Monday morning following, or any period which may be substituted for the same by any byelaw made under the authority of this Act : 15
- “Clerk.” “Clerk” means the clerk or, where there is no clerk, the secretary or other like officer of a board of conservators :
- “Clerk of the peace.” “Clerk of the peace” includes the town clerk of any county of a city or county of a town :
- “County.” “County” includes any riding, division, or liberty of a county 20 having a separate court of quarter sessions, and a county of a city or county of a town shall for the purposes of this Act be deemed a county :
- “Court.” “Court” or “court of summary jurisdiction” means any justice or justices of the peace or other magistrate by whatever name called 25 to whom jurisdiction is given by or who is authorised to act under the Summary Jurisdiction Acts or any of such Acts :
- “Dam.” “Dam” means any weir or fixed obstruction used for the purpose of damming up water :
- “District.” “District” means the rivers and so much of their catchment 30 basins as may be included in a certificate granted by the Secretary of State :
- “Fishing mill dam.” “Fishing mill dam” shall mean any dam used or intended to be used partly for the purpose of catching or facilitating the catching of fish and partly for the purpose of damming up water : 35
- “Fishing weir.” “Fishing weir” means any erection, structure, or obstruction fixed to the soil either temporarily or permanently across or partly across a river or a branch of a river and used exclusively for the purpose of catching or facilitating the catching of fish :
- “Fixed engine.” “Fixed engine” includes stake nets, bag nets, putts, putchers, 40 and all fixed implements or engines for catching or for facilitating the catching of fish, all nets secured by anchors or otherwise

temporarily fixed to the soil, all nets or implements for taking or facilitating the taking of fish fixed to the soil or made stationary in any other way, not being fishing weirs and fishing mill dams, all nets placed or suspended in any water unattended by the owner or any  
5 person duly authorised by the owner to use the same, and all engines, devices, machines, or contrivances, whether floating or otherwise, for placing or suspending such nets or making them stationary :

A.D. 1880.

10 "Freshwater fish" means all kinds of fish (other than pollan, trout, char, or eels) which are found in inland waters and do not migrate to or from the open sea :

"Freshwater fish."

"Inland water" means all waters that are not tidal :

"Inland water."

"Inspector" means an inspector appointed under the provisions of the fourth section of this Act :

"Inspector."

15 "Occupier" means the person in possession of the fisheries or premises in respect of which the word is used, whether the owner or not :

"Occupier."

"Otter lath or jack" means any small boat or vessel, board, stick, or float used for the purpose of running out baits, artificial or other-

"Otter lath or jack."

20 wise, across any portion of a lake or river, and whether used as a hand line or as auxiliary to a rod and line or in any other way :

"Owner" means the person receiving the rents of the property in respect of which the word is used, whether beneficially or otherwise. For the purpose of the purchase of any lands or hereditaments the word "owner" means any person or corporation who  
25 under the provisions of the Lands Clauses Consolidation Acts would be enabled to sell and convey the same :

"Owner."

"Parts beyond the seas" does not include any part of the United Kingdom, however situate in regard to another part :

"Parts beyond the seas."

30 "Person" includes any body of persons, corporate or incorporate :

"Person."

"Quarter sessions" includes general sessions, and so far as relates to the river Esk the Commissioners of Supply in Scotland, and in cases of a county of a city or county of a town the council of such city or town :

"Quarter sessions."

35 "Returning officer" means the chairman of a board of conservators or any person appointed by him in writing under his hand to conduct the election of representative members of boards of conservators in the manner herein prescribed :

"Returning officer."

40 "River" includes such portion of any streams, water, lake, canals, watercourse, tributary, estuary, sea, or sea coast as are included in any fishery district and are connected with any river :

"River."

[246.]

G

A.D. 1880.

"Salmon."

"Salmon" includes all migratory fish of the genus salmon, whether known by the herein-after mentioned names, that is to say, salmon, cock or kipper, kelt, laurel, girling, gilling, grilse botcher, bluecock, blue pole, fork tail, mort, peal, herring peal, may peal, pugg peal, harvest cock, sea trout, white trout, sewen, buntling, guiniad, tubs, yellow fin, sprod, herling, whiting, bull trout, whitling, scurf, burn tail, fry, samlet, smoult, smelt, skirling or scarling, parr, rack, spawn, pink, last spring, hepper, last brood, gravelling, shed, scad, blue fin, black tip, fingerling, brandling, brondling, or any other local name : 10

"Salmon river."

"Salmon river" means any river as above defined frequented by salmon or the young of salmon :

"Secretary of State."

"Secretary of State" means one of Her Majesty's Principal Secretaries of State :

"Strokehall or snatch."

"Strokehall or snatch" means any instrument or device, whether used with natural or artificial bait, rod and line, or otherwise, for the purpose of foul hooking any fish : 15

"Tidal waters."

"Tidal waters" means the sea and all rivers, creeks, streams, and waters so far as the tide flows and reflows :

"Young of salmon."

"Young of salmon" shall include all young of the salmon species, whether known by the name of fry, samlet, smolt, smelt, skirling or skarling, parr, rack, spawn, pink, last spring, hepper, last brood, gravelling, shed, scad, blue fin, black tip, fingerling, brandling, brondling, or any other local name : 20

Repeal of Acts.

87. The Acts referred to in the first column of the Fifth Schedule hereto shall be repealed to the extent stated in the second column of the said schedule. 25

Provided that everything done and every offence committed before the commencement of this Act shall not be affected thereby. And every such offence shall be dealt with, inquired into, tried, determined, and punished as if the said Acts had not been repealed, and such repeal shall not affect the validity, invalidity, effect, or consequences of any act duly done, or of any warrant or instrument duly made or granted before the commencement of this Act, or any right or title, liability, privilege, or protection acquired or existing in respect of any matter or thing committed or done before the commencement of this Act or thereafter commenced in respect of any such matter or thing. 30 35

Provided also, that such repeal shall in no way be held to invalidate any act or thing done by any board of conservators formed under the authority of the Salmon Fishery Act, 1865, or the Salmon 40

Fishery Act, 1873, or either of them, and the boards of conservators constituted under this Act shall be deemed a continuance of the boards constituted under the said Acts or either of them. A.D. 1880.  
—

5 And such repeal shall not operate to release any person from any liability created by the Salmon Fishery Acts, 1861 to 1876, to do or abstain from doing any act or thing to which he would be subject if the said Acts were not repealed, nor to confer on him any right, privilege, or exemption to which he would not have been entitled if the said Acts had remained in force.



A.D. 1880.

## SCHEDULES.

### FIRST SCHEDULE.

#### A.—FORM OF NOMINATION PAPER.

I, the undersigned, do hereby nominate \_\_\_\_\_ Fishery District. 5

1. *A.B.* }  
 2. *C.D.* { [*here insert names of persons*      [*here insert addresses of persons*  
 3. *E.F.* {      *nominated*]                      *nominated*]  
 4. *G.H.* }

for election as representative members of the \_\_\_\_\_ Fishery Board for 10  
 the year 188 .

*Signed* \_\_\_\_\_  
*Address* \_\_\_\_\_

To \_\_\_\_\_  
 \_\_\_\_\_ Returning officer for such election. 15  
 Dated this      day of      188 .

#### B.—NOTICE TO PERSON NOMINATED.

\_\_\_\_\_ Fishery District.

SIR,

I HAVE to inform you that you have been nominated for election as a 20  
 representative member of the board of conservators for this district, and I have  
 to require you to fill up and return to me within seven days from the date  
 hereof the annexed notice as to your intention of accepting or declining such  
 nomination. In the event of my not hearing from you within such seven days  
 you will be considered to have declined such nomination. 25

I am, &c.

\_\_\_\_\_ Returning officer for such election.

Dated the      day of December 188 .

*Notice to be annexed to such Letter.*

I      do hereby [*agree or decline*] to be nominated 30  
 for election as a representative member of the \_\_\_\_\_ Fishery Board  
 for the year 188 .

*Signed* \_\_\_\_\_

Dated the      day of December 188 .

C.—FORM OF VOTING PAPER.

A.D. 1880.

Fishery District.

Number of Votes.	Number of Voting Paper.	Name and Address of Voter.

*Directions to Voter.*

- 5 The voter must, in the presence of a witness, make a mark against the names of all the persons for whom he intends to vote in the right-hand column. He must sign the paper in the presence of and it must be attested by a witness, who must sign his name and address. If the voter cannot write he must affix his mark in the place for the signature of the voter, and such mark must also
- 10 be attested by such witness.

Names of Persons Nominated.	Mark of Voter.

I vote for the persons in the above list against whose names I have placed my mark.

*Signature or mark of Voter* \_\_\_\_\_

- 15 Dated the            day of            188 . . .  
*Name and Address of Witness* \_\_\_\_\_

SECOND SCHEDULE.

FORM OF LICENSE.

*Salmon and Freshwater Fishery Law Consolidation Act, 1880.*

- 20 License to fish in            Water.
- WE, the Board of Conservators of the            Fishery District (being so much of the [*here state boundaries of district*] as defined by a certificate of the Secretary of State deposited with the clerk of the peace for the county of            ), by virtue of the powers vested in us by the said Act, in con-
- 25 sideration of the sum of            pounds paid to [*name and address of distributor*], who is authorised to receive the same on our behalf, do hereby authorise and empower [*name and address of licensee*] to fish with one [*name of instrument*] for [*salmon or trout*] in any water within the said district [or that part of the said district *as defining it*] in which there are [*public or private*] rights of fishing.

A.D. 1880.

— This license will expire on the 31st day of December 188 . It is only  
 available to fish in fisheries, and only entitles the holder to fish during  
 the open season in force in the Fishery District.

Given under our common seal the day of 188 .  
 (L.S.) 5

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### THIRD SCHEDULE.

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#### CERTIFICATE OF CONVICTION.

*Salmon and Freshwater Fishery Law Consolidation Act, 1880.*

I, the undersigned, being the justices' clerk for the petty sessional division  
 of in the county of , hereby certify that A.B., of , 10  
 in the county of , was convicted at , on the  
 day of 188 , for [state the offence against this Act in respect of which  
 he was convicted].

Signed \_\_\_\_\_

Dated the day of 188 . 15  
 To the clerk of the Fishery District.

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### FOURTH SCHEDULE.

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#### LICENSE DUTIES.

For each and every—	£	s.	d.
„ Weir, hang, baulk, garth, goryd, box, crib, or cruive -	12	0	0 20
„ Draft or hang net, not exceeding 200 yards in length measured along the head-rope when wet -	5	0	0
„ Ditto, exceeding 200 yards, for every additional 40 yards or part thereof -	1	0	0
„ Coracle net -	2	5	0 25
„ Putt -	0	3	6
„ Outtrigger or leader to putts and putchers, not exceeding 100 yards in length -	2	0	0
„ Ditto, exceeding 100 yards, for every additional 20 yards or part thereof -	1	0	0 30
„ Cross line -	2	10	0
„ Single rod and line -	1	10	0
For putchers or butts, if not exceeding 50 in number -	1	10	6
For every additional 50 or part thereof -	1	10	6
For any instrument or device not named above, such sum as may be deter- mined by the board of conservators, with the sanction of the Secretary of State.			35

FIFTH SCHEDULE.

A.D. 1880.

ENACTMENTS REPEALED.

	Title of Act.	Extent of Repeal.
1	Eliz. c. 17, An Act for the Preservation of Spawn and Fry of Fish.	The whole Act.
5	The Salmon Fishery Act, 1861 (24 & 25 Vict. c. 109).	The whole Act.
	The Salmon Act Amendment Act, 1863 (26 Vict. c. 10.).	So far as relates to Eng- land.
10	The Salmon Fishery Act, 1865 (28 & 29 Vict. c. 121.).	The whole Act.
	The Salmon Acts Amendment Act, 1870 (33 & 34 Vict. c. 33.).	So far as relates to Eng- land.
	The Salmon Fishery Act, 1873 (36 & 37 Vict. c. 71.).	The whole Act.
15	The Salmon Fishery Act, 1876 (39 & 40 Vict. c. 19.).	The whole Act.
	An Act to amend the Law relating to Elver Fishing (39 & 40 Vict. c. 34.).	The whole Act.
20	The Fisheries (Dynamite) Act, 1877 (40 & 41 Vict. c. 65.).	So far as relates to Eng- land.
	The Freshwater Fisheries Act, 1878 (41 & 42 Vict. c. 39.).	The whole Act.
25	An Act to amend the Law as to Close Time for Fixed Engines in Tidal Waters (42 & 43 Vict. c. 26.).	The whole Act.

**Salmon and Freshwater  
Fishery Laws Amend-  
ment.**

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A

**B I L L**

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Salmon  
and Freshwater Fishery Laws of  
England and Wales.

*(Prepared and brought in by  
Sir Joseph Bailey, Mr. Dillwyn, Mr. Dodd,  
and Mr. Stafford Howard.)*

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*Ordered, by The House of Commons, to be Printed,  
24 June 1880.*

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[Bill 246.]

*Under 7 oz.*

# **Savings Banks Bill.**

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## **ARRANGEMENT OF CLAUSES.**

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### **Clause.**

1. Repayment by terminable annuity of deficit on trustee savings bank account.
2. Reduction of rate of interest in the case of trustee savings banks.
3. Increase of maximum amounts of deposits in savings banks.
4. Investment of deposits in savings banks in Government stock.
5. Regulations as to investment in Government stock.
6. Definitions.
7. Commencement of Act.
8. Short title.

### **SCHEDULE.**

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A

## B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Savings Banks Acts.

A.D. 1880.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 8 1. Whereas in pursuance of the Savings Bank Investment Act, 1863, the National Debt Commissioners annually prepare a balance sheet showing the assets and liabilities of the Commissioners in respect of trustee savings banks on the previous twentieth day of November, and the said balance sheet has annually shown a deficiency of the said assets to meet the liabilities, and such deficiency has in pursuance of the said Act been declared by the Treasury to be a charge on the Consolidated Fund of the United Kingdom :

Repayment  
by termi-  
nable annuity  
of deficit on  
trustee  
savings  
bank account.  
26 & 27 Vict.  
c. 25.

- 15 And whereas in the said balance sheet the securities forming part of the assets have in pursuance of the said Act been valued at the price which the like securities bore on the said day in the public market, and by reason of the adoption of that mode of valuation and the variation in the price of securities the deficiency has in some years appeared to have diminished, whereas if the securities had in every year been valued at the same price such  
20 diminution would not have appeared :

- And whereas in pursuance of section seventeen of the Customs, Inland Revenue, and Savings Banks Act, 1877, the National Debt Commissioners annually make out an account with respect to the year ending on the previous twentieth day of November, showing  
25 on the one side the interest accrued on the above-mentioned assets, and showing on the other side the interest paid and credited to the trustees of trustee savings banks, and the interest accrued is annually insufficient to meet the interest paid and credited, and such deficiency has been paid out of moneys provided by Parliament :

- 30 And whereas it is expedient to make further provision respecting the above-mentioned balance sheet and deficiencies : Be it therefore enacted as follows :

[Bill 273.]

A





A.D. 1880.

26 & 27 Vict.  
c. 32.

(1.) In every balance sheet of the assets and liabilities of the National Debt Commissioners in respect of trustee savings banks prepared *after the passing of this Act* in pursuance of the Savings Bank Investment Act, 1863, the assets besides being valued in manner directed by the said Act shall also be valued as follows; 5 that is to say,

The Government stock shall be valued at such sum as would, if invested to yield *three and a quarter per cent. per annum*, produce the same income as the said stock;

The terminable annuities shall be valued at the total amount of 10 the future payments after deducting discount at the rate of *three and a quarter per cent.*; and

The residue of the assets shall be valued at par.

The sum by which the assets, valued as directed by this Act, in the balance sheet prepared for the year ending on the twentieth 15 day of November one thousand eight hundred and eighty are insufficient to meet the liabilities of the National Debt Commissioners in respect of trustee savings banks on that day is in this Act referred to as the capital deficiency. There shall be added to the said capital deficiency the sum (if any) by which during the year 20 ending on the last-mentioned day the interest accrued from the assets of the National Debt Commissioners in respect of trustee savings banks was insufficient to meet the interest paid and credited to the trustees of the trustee savings banks.

For the purpose of paying to the National Debt Commissioners 25 the total deficiency so ascertained, the Treasury shall, by warrant under their hands, create and direct the Governor and Company of the Bank of England to inscribe in their books for the National Debt Commissioners on the trustee savings banks account a terminable annuity for such number of years, not exceeding 30 *twenty-eight*, computed from the *first day of April one thousand eight hundred and eighty-one*, as the Treasury think expedient, of such an amount as will pay off the said total deficiency if the interest is calculated at the rate of three and a quarter per cent. per annum.

The said annuity shall be charged upon the Consolidated Fund, 35 and shall be added to and paid out of the permanent annual charge for the National Debt, and the permanent annual charge for the National Debt shall, during the period for which the said annuity is created be increased by the amount of the annuity.

Sections four, five, six, and seven of the Savings Bank Invest- 40 ment Act, 1869, shall apply to such terminable annuity in like manner as they apply to the terminable annuities created in pursuance of that Act for the National Debt Commissioners on account of savings banks.

2. After the twentieth day of November one thousand eight hundred and eighty, all receipts issued either before or after that day to the trustees of trustee savings banks by the National Debt Commissioners, in respect of money paid into the Banks of England or Ireland by such trustees, shall carry interest at the rate of three per cent. per annum, and the Savings Banks Act, 1863, shall be construed as if three pounds were throughout section twenty-one of that Act substituted for three pounds five shillings.

A.D. 1880.  
Reduction of rate of interest in the case of trustee savings banks.

From and after the same day, the interest payable to depositors by the trustees of any trustee savings bank shall not exceed the rate of two pounds fifteen shillings per cent. per annum.

See 26 & 27 Vict. c. 87. s. 23.

3.—(1.) Subject to the regulations under this Act, any deposit in a trustee or Post Office savings bank, or any part of such deposit, may on the request of the depositor be invested by the savings bank authority in any Government stock; provided that—

Investment of deposits in savings banks in Government stock.

(a.) The sum invested shall not be less than ten pounds, or the amount of the current price of ten pounds stock with the addition of the commission, whichever sum is least.

(b.) The amount of stock credited to any one account in any savings bank year (whether any stock has been previously sold or not) shall not exceed one hundred pounds stock:

(c.) The whole amount of stock credited to any one account shall not exceed five hundred pounds stock.

(2.) Subject to the regulations under this Act, the depositor may request the savings bank authority to sell the stock standing to his account, or any part of such stock, not less than ten pounds stock, or than stock of the value of ten pounds over and above the commission, whichever is least.

(3.) Upon request from a depositor for an investment in stock under this section, the savings bank authority shall, in the prescribed manner, and on the prescribed day, not later than seven days after the receipt of the request, charge the depositor with the current price on that day of the stock and the commission, and credit the depositor with the corresponding amount of stock out of stock standing to the savings bank investment account of the National Debt Commissioners.

(4.) On a request for a sale of stock under this section the savings bank authority shall, in the prescribed manner, and on the prescribed day, not later than seven days after the receipt of the request, discharge the savings bank investment account of the National Debt Commissioners from the proper amount of stock,

A.D. 1890. — and write the same off from the account of that depositor, and credit him with the current price on the said day of that stock after deducting commission.

(5.) The dividends on the Government stock credited to a depositor shall, subject to the deduction of the commission be dealt with 5 in the same manner as interest on the deposits of that depositor.

(6.) For the purpose of an investment under this section a deposit to an amount not exceeding the value of one hundred pounds stock with the commission may be deposited in one savings bank year, and in computing the maximum amount of deposit 10 allowable for a depositor in a savings bank, the value of the amount of stock credited to the account of that depositor, or any sum deposited for the sole purpose of an immediate investment in stock, shall not be reckoned, and if by the price of any stock being 15 credited to him, or by the deposit of any sum for immediate investment in stock, his deposit is raised so as to be in excess of the said maximum, that excess shall not be deemed unlawful.

(7.) Subject to the regulations under this Act all sums received by any savings bank authority for investment in Government stock shall be paid over to the National Debt Commissioners, and shall 20 be invested in like manner as other moneys in the hands of those Commissioners, and all sums required for the payment of the sums credited to depositors as the price of stock sold shall be provided and paid by the National Debt Commissioners in like manner as 25 sums required to repay deposits in savings banks.

The National Debt Commissioners shall keep to the prescribed account (in this Act referred to as the savings bank investment account) such amount of and description of Government stock as is sufficient to meet the amounts and description of stock credited to 30 depositors in pursuance of this Act.

(8.) There shall be charged the prescribed commission on the investment and sale of stock and on the receipt of the dividends under this section, and such commission shall be applied in the prescribed manner in defraying the expenses incurred in carrying into 35 effect this section.

(9.) The current price for purchases and sales respectively on any day shall be a price to be ascertained and certified on that day in the prescribed manner.

(10.) Subject to the regulations made under this Act all enactments for the time being in force relating to savings banks, and 40 all regulations made in pursuance of those enactments, shall, so far as is consistent with the tenour thereof, be construed in like

(8.) There shall be charged the prescribed commission on the investment and sale of stock and on the receipt of the dividends under this section, and such commission shall be applied in the prescribed manner in defraying the expenses incurred in carrying into effect this section. A.D. 1880.

(9.) The current price for purchases and sales respectively on any day shall be a price to be ascertained and certified on that day in the prescribed manner.

(10.) Subject to the regulations made under this Act all enactments for the time being in force relating to savings banks, and all regulations made in pursuance of those enactments, shall, so far as is consistent with the tenour thereof, be construed in like manner as if the stock standing to the credit of any account were a deposit.

5. Subject to the provisions of this Act the Treasury, with the consent of the National Debt Commissioners so far as any regulations relate to those Commissioners, and with the consent of the Postmaster General so far as any regulations relate to Post Office Savings Banks, may from time to time make and when made revoke, alter, or add to regulations with respect to Regulations as to investment in Government stock.

(1.) Investments in and sales of stock in pursuance of this Act; and the receipt and payment of dividends on such stock; and

(2.) Any other matter or thing necessary or proper for the purpose of carrying into effect this Act.

All regulations so made shall come into operation at the time therein mentioned, and shall be binding on all persons as if they were enacted in this Act; and a copy thereof shall be laid before both Houses of Parliament within *one month* after they are made if Parliament be then sitting, and if not, within *one month* after the commencement of the then next session of Parliament.

6. In this Act, unless the context otherwise requires—

Definitions.

The expression "Postmaster General" means Her Majesty's Postmaster General for the time being.

The expression "Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "Government stock" means Consolidated Three Per Cent. Bank Annuities, Reduced Three Per Cent. Bank Annuities, New Three Per Cent. Bank Annuities, New Three-and-a-half Per Cent. Bank Annuities, and Two-and-a-half Per Cent. Bank Annuities.

A.D. 1880. of November, and in the case of a Post Office Savings Bank, on the thirty-first day of December.

" In computing time for the purposes of this Act there shall be  
 34 & 35 Vict. excluded every Sunday and every day which is a holiday within  
 c. 17. the meaning of the Bank Holidays Act, 1871, and the Holidays 5  
 38 & 39 Vict. Extension Act, 1875.  
 c. 13.

Commence- 6. This Act shall come into operation on the first day of November  
 ment of Act. one thousand eight hundred and eighty.

Short title. 7. This Act may be cited as the Savings Banks Act, 1880.  
 Each of the Acts set forth in the Schedule to this Act is in 10  
 this Act referred to and may be cited by the short title therein  
 mentioned.

**SCHEDULE.**

A.D. 1880.

**ACTS REFERRED TO.**

Session and Chapter.	Title.	Short Title.
5 26 & 27 Vict. c. 25. -	An Act to make further provision for the investment of the moneys received by the Commissioners for the Reduction of the National Debt from the trustees of savings banks established under the enactments of the Act Ninth George the Fourth, chapter ninety-two.	The Savings Bank Investment Act, 1863.
10 26 & 27 Vict. c. 87. -	An Act to consolidate and amend the laws relating to savings banks.	The Trustee Savings Banks Act, 1863.

# Savings Banks (No. 1).

A

## B I L L

[AS AMENDED IN COMMITTEE]

To amend the Savings Banks Acts.

*(Prepared and brought in by  
Mr. Gladstone, Mr. Fawcett, and Lord Frederick  
Cavendish.)*

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*Ordered, by The House of Commons, to be Printed,  
21 July 1880.*

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[Bill 278.]

*Under 2 oz.*

A

## B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Savings Banks Acts so far as regards the limit of deposits. A.D. 1880.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5    1. Whereas under the Post Office Savings Banks Act, 1861, and the enactments therein referred to, and under the enactments of the Trustees Savings Banks Act, 1863, it is not lawful to receive from any one depositor within any savings bank year, whether any sum or sums may have been previously withdrawn or not, any sum  
 10 or sums exceeding in the whole thirty pounds exclusive of compound interest, nor to receive from any depositor any sum or sums whatever which will make the sum to which such depositor is entitled exceed one hundred and fifty pounds in the whole, and it is further provided that whenever the sum standing in the name  
 15 of any depositor amounts in the whole to two hundred pounds, principal and interest included, thenceforth no interest shall be payable on any such deposit so long as it continues to amount to two hundred pounds:

Increase of  
maximum  
amounts of  
deposits in  
savings  
banks.  
9 Geo. 4.  
c. 92. s. 35.  
26 & 27 Vict.  
c. 87. s. 39.

- And whereas it is expedient to increase the said amounts: Be it  
 20 therefore enacted that—

The above-recited enactments shall be construed as if one hundred pounds were substituted for thirty pounds, two hundred and fifty pounds were substituted for one hundred and fifty pounds, and three hundred pounds were substituted for two hundred pounds.

- 25    2. This Act shall come into operation on the first day of November one thousand eight hundred and eighty.

Commence-  
ment of Act.

3. This Act may be cited as the Savings Banks Act, 1880.

Short title.

The Act set forth in the schedule to this Act is in this Act referred to and may be cited by the short title therein mentioned.

[Bill]274.]



A.D. 1880.  

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**SCHEDULE.**  

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**ACT REFERRED TO.**  

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Session and Chapter.	Title.	Short Title.
26 & 27 Vict. c. 87 -	An Act to consolidate and amend the laws relating to savings banks.	The Trustee Savings Banks Act, 1863.



# **Savings Banks (No. 2).**

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A

## **B I L L**

[AS AMENDED IN COMMITTEE]

To amend the Savings Banks Acts so  
far as regards the limits of deposits.

(Prepared and brought in by  
*Mr. Gladstone, Mr. Fawcett, and Lord Frederick  
Caird.*)

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*Ordered, by The House of Commons, to be Printed,  
21 July 1880.*

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[Bill 274.]

*Under 1 oz.*

# Sea Fisheries (Ireland) Bill.

## ARRANGEMENT OF CLAUSES.

### Clause.

1. Short title of Act.
2. Commencement of Act.
3. Lord Lieutenant may appoint commissioners for the Irish fisheries.
4. Commissioners to be a corporation.
5. Power to appoint officers.
6. Commissioners to make reports to the Lord Lieutenant and to Parliament.
7. Commissioners to hold office during pleasure.
8. Power to make byelaws.
9. Committees may be appointed.
10. Power over officers.
11. Byelaws for the regulation of the fisheries.
12. Commissioners to hold inquiries.
13. Byelaws to be laid before Parliament.
14. Byelaws to have the force of law.
15. Penalties for violation of byelaws.
16. Coast to be divided into districts.
17. Fishing vessels to be licensed.
18. Licensing officers to be appointed.
19. Statement to be lodged.
20. Penalty on fishing without license.
21. Licenses may be revoked.
22. Powers of inspectors of salmon fisheries preserved.
23. Powers of inspectors as to deep-sea fisheries vested in Commissioners.
24. Admiralty to appoint superintendents.
25. Duties of superintendents : power to enter fishing vessels.
26. Chief officer to be appointed for each district.
27. Commissioners to have charge of reproductive loan fund.
28. Commissioners to make loans.

[Bill 135.]

a

## Clause.

29. Advance to be made by Treasury.
  30. Piers and harbours to be vested in Commissioners.
  31. Lord Lieutenant to transfer fishery piers from Board of Works to Commissioners.
  32. Annual sum to be advanced by Treasury.
  33. To be expended on fishery piers.
  34. Grand jury may exercise powers of borrowing.
  35. Loans repaid may be re-lent.
  36. Board of Works to advance money.
  37. Engineer to be appointed.
  38. Provision for salaries and expenses.
  39. Lords Justices may do acts.
  40. Interpretation clauses.
  41. Definition of fishings affected by Act.
-

A  
B I L L

FOR

The regulation and encouragement of the Coast and Deep Sea Fisheries of Ireland. A.D. 1880.

**W**HEREAS the improvement and encouragement of the Irish fisheries are objects of great importance, not only to Ireland, but to the wealth and commercial prosperity and naval strength of the United Kingdom :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

10 1. This Act may be cited on all occasions and for all intents and purposes as the Deep Sea Fisheries (Ireland) Act, 1880. Short title of Act.

2. This Act shall, except as to any act herein-after required or authorised to be done before that day, come into operation on the *first day of January one thousand eight hundred and eighty-one*, the period herein-after referred to as the commencement of this Act. Commence-ment of Act.

15 3. Immediately after the passing of this Act it shall be lawful for the Lord Lieutenant under his hand and seal from time to time to nominate and appoint fifteen persons to be commissioners specially for overseeing, directing, and improving the deep sea and coast fisheries of Ireland, to be called the Commissioners of Irish Sea Fisheries, with power to them, or any number of them, by the instrument of appointment to be determined, to execute or cause to be executed the provisions of this Act in manner herein mentioned. Lord Lieu-tenant may appoint Com-missioners for the Irish fisheries.

25 4. The Commissioners so appointed, and their successors appointed as herein-after mentioned, shall be incorporated by the name of the Commissioners of Irish Sea Fisheries, and shall by that name be capable of suing and being sued, they shall have a common seal, be Commis-sioners to be a corpora-tion.

[Bill 135.]

A

A.D. 1880. — capable of holding property, with all other the rights and powers incident by law to bodies corporate.

Power to  
appoint  
officers.

5. For the purpose of carrying this Act into execution, it shall be lawful for the said Commissioners at any time after their appointment to appoint a secretary, and such clerks and other officers under them, (such secretary, clerks, and other officers being first approved of by the Lord Lieutenant or other chief governor or governors of Ireland for the time being,) as they the said Commissioners of Irish Sea Fisheries shall think fit: Provided always, that no appointment to any such office shall be made unless and until the Lords Commissioners of Her Majesty's Treasury shall have signified their assent to the proposal for making an appointment to such office, and of the salary proposed to be annexed to such office. 5 10

Commis-  
sioners to  
make reports  
to the Lord  
Lieutenant  
and to Par-  
liament.

6. The said Commissioners of Irish Sea Fisheries to be appointed by virtue of this Act shall and they are hereby required to deliver or cause to be delivered annually, on or before *the first day of January* in every year, to the Lord Lieutenant or other chief governor or governors of Ireland for the time being, a full and accurate report of their proceedings for the year preceding; and shall also cause to be laid before both Houses of Parliament, within fourteen days after the sitting of each House next ensuing such first day of January, a copy of every such report, under their seal, and signed by their secretary. 15 20

Commis-  
sioners to  
hold office  
during plea-  
sure.

7. The Commissioners shall hold their appointment during the pleasure of the Lord Lieutenant; and on the death, resignation, or removal of any of them, the Lord Lieutenant shall, by warrant under his hand and seal, appoint another person in the room of the Commissioner so dying, resigning, or being removed. 25

Power to  
make bye-  
laws.

8. At a meeting or meetings to be held as soon as conveniently may be after their appointment, the Commissioners shall frame rules and regulations for their meetings, and the transaction of business; and such rules, upon being approved of by the Lord Lieutenant, shall be the rules regulating all such matters: Provided always, that the Commissioners may at any time, and with the like approbation, alter, vary, repeal, or add to such rules, or adopt other and different ones in their stead. 30 35

Committees  
may be  
appointed.

9. The Commissioners may by such rules, if they shall so think fit, direct that any portion of the business intrusted to them by this Act may be transacted by a committee of their body, to be appointed in such manner and acting in such manner as such rules may prescribe. 40

10. The Commissioners shall have power from time to time to prescribe and regulate the duties of all officers appointed by them, and to dismiss any of such officers, when they shall so think fit.

A.D. 1880.

Power over officers.

11. The Commissioners shall have power, at any time after their appointment, and from time to time as occasion may require, to make and promulgate any reasonable byelaw or byelaws regulating the mode and manner and time in which fishing shall be carried on in any of the estuaries, deep sea, and tidal waters adjoining the Irish coast, and prohibiting such fishing, at any time or in any manner which may appear to them injurious to the fisheries; and they may by any such byelaw or byelaws regulate the size of the nets and meshes of the nets or other instruments to be used in such fishing, and make such regulations as to the management of the vessels engaged in such fishing, and of the conduct in the course of fishing of the crew and other men employed therein, and generally as to all matters connected with the fishing for, taking, selling, or otherwise disposing of such fish, as may appear to them necessary for the protection of the fishery, and also from time to time by any such new byelaw to vary, alter, or repeal any previous byelaw, or to substitute a new byelaw; and it shall be lawful for them in any such byelaw, or altered or substituted byelaw, if they shall so think fit, to impose as a penalty for its violation a fine not exceeding *twenty pounds*, or imprisonment not exceeding *three months*; but no byelaw made by them under the authority of this section shall be of any force or effect unless and until the same shall be approved of by the Lord Lieutenant and Privy Council, and such notice shall be given of every such byelaw before being approved of by the Privy Council, as the Lord Lieutenant may by Order in Council direct.

Byelaws for the regulation of the fisheries.

12. Whenever they shall think fit, or whenever the Lord Lieutenant shall direct, the Commissioners shall, before passing such byelaw, or at any time before same is approved of by the Privy Council, hold an inquiry in relation to the advisability or propriety of such byelaw, in such manner and in such place as they may think fit, or the Lord Lieutenant may direct.

Commissioners to hold inquiries.

13. After the commencement of this Act every byelaw so approved of shall have the force and effect of law, and its violation be punished by the penalties herein-after mentioned: Provided always, that every such byelaw shall, within fourteen days after being approved of by the Lord Lieutenant and Privy Council, be laid before both Houses of Parliament, if Parliament be then sitting, and if not, within fourteen days of its next re-assembling; and if either House

Byelaws to be laid before Parliament.



A.D. 1880. — of Parliament shall, within *thirty days*, exclusive of any days during which time it shall not sit, or if Parliament be not sitting at the end of such thirty days, then within thirty days from the commencement of the next session, present an address to Her Majesty disapproving of such byelaw, then and in that case from the time of the pre- 5 sentation of such address such byelaw shall be of no further force and effect.

Byelaws to have the force of law. 14. All byelaws so made and approved of shall, until same are altered, repealed, or annulled in manner hereafter mentioned, have the same force and effect as if they were contained in this 10 Act, and shall be observed by all persons to whom same apply.

Penalties for violation of byelaws. 15. Any person violating any such byelaws shall be guilty of a misdemeanor, and on being convicted thereof may be punished by fine or imprisonment at the discretion of the court, or upon summary conviction before two justices of the peace in the manner pre- 15 scribed by the Petty Sessions, Ireland, Act, with imprisonment not exceeding *three months*, or a fine not exceeding *twenty-five pounds*: Provided always, that wherever by any byelaw any punishment is imposed for such offence pursuant to the provisions herein-before contained, no greater or other punishment shall be inflicted upon 20 any person convicted, either on indictment or summarily, than that mentioned in the byelaw, and where such byelaw shall impose only a pecuniary penalty the punishment of imprisonment shall not be imposed.

Cost to be divided into districts. 16. The Commissioners shall, as soon as conveniently may be 25 after their appointment, divide the coast of Ireland into such and so many districts as may to them appear necessary and expedient, and shall by an order under their seal, with the approbation of the Lord Lieutenant, define and fix the limits of such districts; and it shall be lawful for them at any time, and from time to time, by 30 like order, and with the like approbation, to vary the number and limits of such districts as may appear to them to be fit.

Fishing vessels to be licensed. 17. No vessel of any kind or description, the burden of which shall exceed five tons, shall be employed in fishing in any estuary or any waters adjoining the coast of Ireland unless and until a 35 license for such vessel shall be obtained for such vessel from the Commissioners of Irish Sea Fisheries. Every license so granted by the Commissioners shall be in force for a period of *twelve months* and no longer.

Licensing officers to be appointed. 18. For the purpose of granting such licenses the Commissioners 40 shall appoint such and so many persons, resident in seaport towns,

as they may think fit, with power and authority to grant same; and every owner or other person employing such vessel for the purpose of fishing shall be entitled to obtain such license on lodging with any of such officers, or, if he shall so think fit, with the secretary of the Commissioners, a statement of the particulars herein-after mentioned, and paying for such license such sum as the Commissioners may determine, not exceeding *one shilling* for each ton of the burden of such vessel.

A.D. 1880.

19. The statement so to be lodged shall state the name and residence of the person or persons proposing to employ such vessel in fishing, the number of men and boys respectively intended to be employed in same, and the name of the master of the vessel, the tonnage of the vessel, and shall be accompanied by a copy of the register of such vessel.

Statement to be lodged.

20. Any person who shall use or employ any vessel whose burden shall exceed five tons in any of the fishings regulated by this Act without having obtained the license hereby required, shall forfeit and pay to the Commissioners for such and every time the vessel is so employed the sum of *five pounds*; and such sum may be recovered, in addition to the means in this Act provided, by action in any of the courts of law in England or Ireland, or in the Sheriff Court, or before any two justices of the peace in Scotland, and may be recovered either from the owner or owners or from the master or person acting as master of such vessel, or from any person employing or using same in such fishing.

Penalty on fishing without license.

21. It shall be lawful for the Commissioners, if they shall think fit, to revoke the license granted for the use of any vessel if any person acting under any such license shall, after the grant of such license, be three times convicted of any offence against the provisions of this Act; and if it shall at any time appear to the Commissioners, by report of their officers or otherwise, that any such vessel is in such condition or is so worked as to be dangerous to the lives of the persons employed therein, it shall be lawful for the said Commissioners to hold an inquiry into the sufficiency of the condition or mode of working of such vessel by a person or persons appointed for that purpose by the Lord Lieutenant; and if upon such inquiry the person or persons holding such inquiry shall report that such vessel is in such condition or is so worked as to be dangerous to the lives of the persons employed therein, it shall be lawful for the said Commissioners either to revoke the license, or to allow same to continue in force upon such terms and

Licenses may be revoked.

A.D. 1880. — conditions as to the repairs or future working of the vessel as they shall think fit.

Powers of inspectors of salmon fisheries preserved.

**22.** Nothing herein contained shall interfere with the power of the inspectors of Irish fisheries to make such regulations as they are by any statute empowered to do to regulate the taking of salmon 5 in any of the estuaries or tidal waters in Ireland.

Powers of inspectors as to deep sea fisheries vested in Commissioners.

**23.** From and after the commencement of this Act all other power relating to the fisheries in the deep sea or in the estuaries or tidal waters on the coast of Ireland now vested in the inspectors of Irish fisheries shall be vested in and be exercised by the Commis- 10 sioners under this Act; and, unless where it is otherwise hereby provided, the powers conferred by this Act shall be deemed to be in addition to and not in substitution for those hitherto exercised by the said inspectors of Irish fisheries.

Admiralty to appoint superintendents.

**24.** And be it further enacted, that it shall be lawful for the 15 Lords Commissioners of the Admiralty, upon the application of the said Commissioners of Irish Sea Fisheries, to appoint two or more commissioned officers in Her Majesty's navy as superintendents of the fishery described in this Act, for the purpose of causing the same to be carried on according to the regulations of this Act, and 20 also as well for preserving order among the persons employed therein as for protecting them and their vessels against violence, and under such orders, rules, and regulations as shall be made in that behalf by the Lords Commissioners of the Admiralty; and every person so appointed superintendent shall proceed annually 25 with a proper vessel or vessels of Her Majesty's navy of sufficient force to such place and to arrive at such time as the Commissioners may, with the sanction of the Lords Commissioners of the Admiralty, appoint.

Duties of superintendents.

**25.** Every person so to be appointed superintendent shall exercise 30 his office within the district or districts named in his appointment, and shall remain with his vessel within such district or districts during the time fixed for his appointment, and shall do and execute all such things and orders as he may be reasonably required by the Commissioners under the regulations laid down for him by the Com- 35 missioners of the Admiralty; he shall prevent all vessels from fishing in any manner inconsistent with the byelaws in that behalf made by the Commissioners; and for this purpose it shall be lawful for any superintendent of the said fisheries, or any person or persons acting by his orders, at all times whenever he shall 40 think fit, either at sea or in any loch or bay, or on the coast

Power to enter fishing vessels.

during the continuance of the fishery, or after the return from the fishery to go on board any of the vessels employed in the fishery placed under his superintendence, to inspect the license and certificate of registry of such vessel; and such superintendent is hereby empowered to detain any such vessel and to examine whether the master and other persons on board the same are in all respects carrying on and prosecuting the said fishery in the manner required by the byelaws of the Commissioners; and if any person or persons shall impede or obstruct, or attempt to impede or obstruct, any other person or persons in the lawful prosecution of the said fishery, such superintendent shall require such person or persons so impeding or obstructing, or attempting to impede or obstruct, any other person or persons, to desist from so doing; and if such person or persons so required to desist shall disregard such requisition, it shall be lawful for such superintendent to employ such force as shall be necessary to compel him or them to preserve order. If the master or any part of the crew is not or shall not be in all respects carrying on and prosecuting the fishery in the manner hereby required, or had impeded or obstructed, or attempted to impede or obstruct, any other person or persons in the lawful prosecution of the said fishery, such superintendent shall report the same fully and particularly to the said Commissioners of the Irish Sea Fisheries, and shall deliver one copy of such report under his hand to the master of such vessel, and shall transmit another copy to the said Commissioners by the first opportunity; and if any person or persons shall resist or obstruct any such superintendent, or any person or persons acting under him, in the execution of any of the powers to him or them given by this Act, every person so offending shall forfeit and pay the sum of *ten pounds* upon conviction by the magistrates of the nearest sessional court.

26. Of the officers to be appointed by the Commissioners under the provisions herein-before contained, one at least shall be appointed for each district, to be called and known as the chief officer of fisheries for such district. The person so appointed shall reside within the district in such place as the Commissioners may appoint; he shall discharge all such duties as to the execution of this Act, and generally as to the inspection, improvement, and encouragement of the fisheries, as the Commissioners may direct; and he shall from time to time make to the Commissioners reports upon all matters connected with the fisheries within his district, and the improvement and encouragement of same, as the Commissioners may from time to time desire and direct.

Chief officer  
to be ap-  
pointed for  
each district.

A.D. 1880.

Commis-  
sioners to  
have charge  
of reproduc-  
tive loan  
fund.

**27.** And whereas it is expedient that loans should be made to the fishermen engaged in the deep sea fishery, in order to enable them to provide themselves with suitable boats and gear, and that such loans should be made under the superintendence of the Commissioners hereby appointed : From and after the commencement of this 5 Act, all the powers vested in the inspectors of Irish fisheries by the Reproductive Loan Fund Act, 1874, as to the funds mentioned in that Act, shall be vested in and exercised by the Commissioners under this Act.

Commis-  
sioners to  
make loans.

**28.** It shall be lawful for the Commissioners, with the approval 10 of the Lord Lieutenant, from time to time to ordain such rules and regulations as may appear to them to be proper and expedient for the making of loans under this Act, and providing for the security to be taken for same, the mode of repayment thereof, the ensuring that they shall be applied to the purposes for which they 15 are intended, and all other matters connected with the loan ; and it shall be lawful for them, if they shall so think fit, by such regulations to prescribe that such loans may be made for the erection of curing houses, the providing of the means of transport of the fish caught, or for any purpose connected with the improvement of the 20 fisheries on such terms and conditions as may be thought fit, and it shall be lawful for the Commissioners to make such loans in accordance with such regulations out of any moneys that may be in their hands for or applicable to such purposes.

Advances  
be made by  
Treasury.

**29.** *For the purpose of enabling the Commissioners to make such 25 loans, it shall be lawful for the Commissioners of the Treasury, and they are hereby required, within one month after the commencement of this Act, to pay and advance to the Commissioners, out of the growing produce of the Consolidated Fund of the United Kingdom, the sum of thirty thousand pounds to be applied by the said Com- 30 missioners in making such loans in accordance with the provisions of this Act.*

Piers and  
harbours to  
be vested in  
Commis-  
sioners.

**30.** And whereas it is expedient that the control and care of all fishery piers in Ireland shall be vested in the Commissioners appointed under this Act : From and after the commencement of 35 this Act all piers which by an Act passed in the seventeenth year of Her Majesty the now Queen, intituled "An Act for enabling " Grand Juries in Ireland to borrow money from private sources on " the security of presentments, and for transferring to counties " certain works constructed wholly or in part with public money," 40 were vested in the grand jury of any county in Ireland, shall become and be vested in the Commissioners, who shall keep same

in repair, and pay all expenses connected with their superintendence and management out of any moneys that may be in their hands applicable to such purposes. A.D. 1880.

31. And whereas there are now vested in the Commissioners of  
 5 Public Works several piers and harbours on the coast of Ireland, the custody and care of which might be properly and conveniently transferred to the Commissioners of Irish Sea Fisheries: It shall be lawful for the Lord Lieutenant, by and with the advice of the Privy Council, by an order made before the commencement of this Act,  
 10 to decide that the piers and harbours named in such order shall be transferred to and vested in the Commissioners of Irish Fisheries, and from and after the commencement of this Act all the piers and harbours named in such order shall be vested in the Commissioners of Irish Deep Sea Fisheries.
- 15 32. *For the purpose of enabling new works to be undertaken for the erection of new fishery piers, or the enlargement or improvement of existing piers, there shall be annually issued to the Commissioners out of the growing produce of the Consolidated Fund a sum of twenty thousand pounds to be by them applied as herein-after*  
 20 *mentioned.*

Lord Lieutenant to transfer fishery piers from Board of Works to Commissioners.

Annual sum to be advanced by Treasury.

33. *It shall be lawful for the said Commissioners to apply the said sum, and such other sums as may come into their hands applicable to such purpose, in aid of the erection, improvement, and enlargement of fishery piers, either by way of grant or loan; and*  
 25 *it shall be lawful for the Commissioners, with the approval of the Lord Lieutenant, to make such rules as they may think fit, regulating the terms and conditions upon which aid shall be given to any proposed work, either by way of grant or loan: Provided always, that in any case in which they shall think it fit, for special reasons,*  
 30 *so to do, the Commissioners may, with the approval of the Lord Lieutenant, take upon themselves the entire cost of the erection of any new pier, or the enlargement or improvement of any existing pier.*

To be expended on fishery piers.

34. All statutes now in force enabling grand juries to secure by  
 35 presentment any loans or advances made for the erection or improvement of piers shall be applicable to any loans to be made by the Commissioners under this Act; and all the powers conferred upon grand juries by any statute enabling them in that behalf may be exercised in relation to any such loans.

Grand jury may exercise powers of borrowing

- 40 35. *When any loan made under the authority of this Act, or any portion of it, is repaid to the Commissioners, it shall*

Loans repaid may be re-lent.

[135.]

B

A.D. 1880. *be lawful for them to apply the money so repaid in the same manner as they are hereby authorised to apply the sums to be annually paid to them out of the Consolidated Fund; and all moneys received and penalties recovered under this Act shall be paid to the Commissioners of Irish Sea Fisheries, to be applied by them for the purposes of carrying this Act into execution, and for such other purposes connected with the Act as they shall deem fit.* 5

Board of  
Works to  
advance  
money.

**36.** Notwithstanding anything contained in this Act, it shall be lawful for the Commissioners of Public Works in Ireland to advance or lend money for the construction, erection, or repair of fishery piers in Ireland in the same manner as if this Act had not been passed; and, if they shall so think fit, with the approbation and consent of the Lord Lieutenant, to advance the same on the recommendation of the Commissioners of Irish Sea Fisheries, and to advance such moneys to be expended under the control and direction of the said last-mentioned Commissioners. 10 15

Engineer to  
be appointed.

**37.** It shall be lawful for the Lord Lieutenant to appoint a fit and proper person to be engineer to the said Commissioners, with such salary and allowances, and upon such terms, as he may, with the approval of the Commissioners of the Treasury, direct. The engineer so appointed shall act under the directions of the Commissioners, and shall be removable by them for incompetence or misconduct. 20

Provision  
for salaries  
and ex-  
penses.

**38.** *The salaries of all officers appointed under this Act, the expense of maintaining and superintending the fishery piers hereby vested in the Commissioners, and all expenses incurred by the Commissioners in the execution of this Act, shall be defrayed out of such moneys as Parliament may from time to time for that purpose provide.* 25

Lords Jus-  
tices may do  
acts.

**39.** All matters and things which by this Act are authorised or required to be done by the Lord Lieutenant shall and may be done by the Lords Justices or Lord Deputy or other the Chief Governor or Governors of Ireland for the time being. 30

Interpreta-  
tion clauses.

**40.** The words "the Commissioners," when used in this Act, shall mean, unless the context otherwise requires it, the Commissioners of Irish Sea Fisheries appointed under this Act: 35

"Commissioners of the Treasury" shall mean the Lord High Treasurer or the Commissioners for executing the office of Lord High Treasurer:

"Commissioners of the Admiralty" shall mean the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral: 40

“The Board of Trade” shall mean the Committee of the Lords of Her Majesty’s most Honourable Privy Council for Trade and Plantations. A.D. 1880.

**41.** The fishings and fisheries included in and affected by the provisions of this Act are hereby declared to be all fishings for any kind of fish, whether shell fish or otherwise, carried on in any manner or by any means whatever in the deep sea, tidal waters, or estuaries in or adjoining to the coast of Ireland, except the fishings for salmon carried on in the estuaries or other tidal waters under the control of the inspectors of Irish fisheries by virtue of any of the statutes in that case made and provided.

Definition of  
fishings  
affected by  
Act.



SESS. 2.

## Sea Fisheries (Ireland).

A

# B I L L

For the regulation and encouragement  
of the Coast and Deep Sea Fisheries  
of Ireland.

(*Prepared and brought in by*  
*Mr. Collins, Colonel Colthurst, Mr. William*  
*Corbett, Mr. T. P. O'Connor, and*  
*Mr. Blennerhasset.*)

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*Ordered, by The House of Commons, to be Printed,*  
*21 May 1880.*

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[Bill 135.]

*Under 2 oz.*

A  
B I L L

TO

Enable Guardians of the Poor to borrow Money for the purpose of procuring Seed Potatoes for Tenants in Ireland. A.D. 1880.

**W**HEREAS it is desirable to enable Guardians of Poor Law Unions in Ireland to borrow money for the purpose of furnishing seed potatoes to distressed tenants in Ireland :

Be it enacted by the Queen's most Excellent Majesty, by and  
5 with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows :

1. It shall be lawful for the Guardians of an Union (with the  
consent of the Poor Law Commissioners, to be testified under their  
10 seal,) who shall be desirous to borrow money for the purpose of  
purchasing seed potatoes, to make application for such purpose to  
the Commissioners of Public Works in Ireland ; and the said Com-  
missioners of Public Works in Ireland are hereby authorised to  
make such advances without interest upon any such application as  
15 aforesaid, on the security of the rates for the relief of the poor, or  
special rates to be made under an Act passed in the first and second  
years of the reign of Her present Majesty, intituled "An Act for  
the more effectual relief of the destitute poor in Ireland," and all  
Acts amending the same, to be made in such Union, and without  
20 requiring any further or other security than a charge on such rates,  
which charge the said Union are hereby authorised to create.  
The entire amount of the advances made to any Union shall not  
exceed one fourth of the amount at which all lands within such  
Union are rated.

Power of  
Guardians to  
borrow.

25 2. All moneys to be borrowed under this Act for the purpose of  
purchasing seed potatoes shall be secured by a charge on the rates  
hereby authorised under the seal of the Guardians, and shall carry  
no interest, and the principal shall be payable at or before *one year*  
from the advance of such moneys.

Money  
borrowed to  
be secured  
on rates.

30 3. With all moneys borrowed under this Act, the Guardians may  
purchase seed potatoes, and sell any portion of the same to tenants of  
[Bill 48.]

Guardians to  
to purchase  
seed potatoes  
and sell to  
tenants.

A.D. 1880. land within the Union who shall undertake to sow the same. The Guardians shall not sell to any one occupier a greater amount of such seed potatoes than equals *five pounds* sterling in value.

It shall be lawful to the Guardians to sell such seed potatoes at cost price, either on credit or not, as they shall think fit, and either with or without security as they shall think fit. The Guardians may sell such seed potatoes at cost price or under, in their discretion. The Guardians may, for the purpose of this Act, hire stores or houses for and incur all expenses necessary for carrying the same into execution, and pay the same out of the moneys to be borrowed under this Act.

Recovery of price of seed.

4. The price of seed potatoes sold by the Guardians may be recovered before a justice or justices at petty sessions on any day after the *first of November one thousand eight hundred and eighty*, whether such price exceeds *two pounds*, or not, in the same way as debts not exceeding two pounds are now authorised to be recovered before a justice or justices at petty sessions, by an Act passed in the twenty-second year of the reign of Her Majesty the Queen, intituled "An Act for the abolition of manor courts, and the recovery of small debts in Ireland," and all Acts amending the same.

The said Act and all Acts amending the same and this Act shall be incorporated and construed together as one Act.

Advance out of Consolidated Fund for purpose of Act.

5. *It shall be lawful for the Commissioners of Her Majesty's Treasury from time to time to issue and advance out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland (in addition to the sums heretofore authorised to be advanced) such further sum or sums of money not exceeding in the whole the sum of five hundred thousand pounds, as may be required for the purposes of this Act.*

Interpretation.

6. The following words shall have the following meanings assigned to them :

"A distressed tenant," within the meaning of this Act, shall mean any person occupying land within the Union whom a Poor Law Guardian of the Union shall certify to be such :

"Seed potatoes" shall mean potatoes suitable for being sown.

Construction of Act.

7. This Act and the said Act intituled "An Act for the more effectual relief of the poor in Ireland," and all Acts amending the same, shall be incorporated and construed together as one Act.

Extent of Act.

8. This Act shall extend to Ireland only.

Short title.

9. This Act may be cited as the Distressed Tenants Seed Potatoes Act, 1880.

**10.** This Act may be repealed or amended in the present session A.D. 1880.  
of Parliament.

**11.** This Act shall continue in force for *one year* after the passing thereof, and thence to the end of the next session of Parliament.

Repeal or  
amendment.  
Continuance  
of Act.

# Seed Potatoes (Ireland).

A

## B I L L

To enable Guardians of the Poor to borrow Money for the purpose of procuring Seed Potatoes for Tenants in Ireland.

*(Prepared and brought in by  
Major Nolan, Mr. George Browne, and  
Mr. P. J. Smyth.)*

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*Ordered, by The House of Commons, to be Printed,  
6 February 1880.*

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[Bill 48.]

*Under 1 oz.*

# Seed Potatoes (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

1. Short title.
  2. Application of Act.
  3. Powers of Guardians to borrow.
  4. Terms of loan.
  5. Orders for payment of loans may be made by Local Government Board.
  6. Application of loans.
  7. Recovery of price from purchasers.
  8. Power of entry and inspection.
  9. Summary recovery of price of seed.
  10. Powers of Local Government Board where Guardians make default.
  11. Saving for other remedies.
  12. Repayment of loans made by the Board of Works.
  13. Confirmation of expenditure by Guardians, and indemnity.
-



A

## B I L L

[AS AMENDED IN COMMITTEE]

FOR

Enabling Guardians of the Poor to borrow Money for the purpose of procuring Seed Potatoes for Tenants in Ireland. A.D. 1880.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as the Seed Supply (Ireland) Act, Short title. 1880.

2. At any time after the passing of this Act, and before the *thirty-first day of March one thousand eight hundred and eighty*, Application of Act.  
the Local Government Board, if satisfied that the occupiers of land  
10 in any electoral division of any union are generally unable to procure an adequate supply of seed potatoes, may, by order, authorise or, if they think fit, may require the Guardians of the poor of the union to put the provisions of this Act in force in reference to such electoral division; and the Local Government  
15 Board may from time to time, by order made for that purpose, revoke or vary any such order.

The Local Government Board shall prepare, and may from time to time add to or alter, a schedule of the unions, and of the electoral divisions thereof, in which they have authorised the  
20 Guardians to put the provisions of this Act in force.

3. The Guardians of the poor of any union scheduled for the time being may apply to the Local Government Board for a loan for the use of any scheduled electoral division of their union. If the Local Government Board approves of any such application  
25 they shall transmit it to the Commissioners of Public Works, who may, with the consent of the Commissioners of Her Majesty's Treasury, make, *out of any moneys placed at their disposal by Parliament* for the purpose of loans, any loan to such Board of

[Bill 68.]

A 2



A.D. 1880.

Guardians, on the security of any rate applicable to any of the purposes of the Acts for the Relief of the Poor which is leviable in the electoral division for the use of which the loan is made, and without requiring any further or other security.

Terms of  
loan.

*4. Such loans shall be made without interest, and shall be 5 repayable by the Guardians to the Commissioners of Public Works by two equal instalments, the first of such instalments to be paid on the first day of August one thousand eight hundred and eighty-one, and the second of such instalments to be paid on the first day of August one thousand eight hundred and eighty-two.* 10

When any such loan is made all rates leviable for any of the purposes of the Acts for the Relief of the Poor in the electoral division for the use of which the loan was made shall become forthwith charged, without any deed of mortgage or other instrument being required, with the repayment by such instalments of 15 the sum lent for the use of the division.

The Guardians of the union shall levy the amount required to meet each instalment as part of the poor rate by an extraordinary poundage rate to be added to the poor rate of the electoral division, and to be collected therewith, and recoverable in the same manner 20 and with the same remedies by the collectors of the poor rate.

Orders for  
payment of  
loans may be  
made by Lo-  
cal Govern-  
ment Board.

*5. If at any time the Commissioners of Public Works in Ireland certify that any sum remains due to them from the Board of Guardians of any union on account of any loan made for the use of any electoral division for the purchase of seed, and is then 25 payable to the Commissioners, the Local Government Board shall, by order under their seal, assess that sum on the electoral division, and shall send copies of the order to the Board of Guardians and to the treasurer of the union; and thereupon the treasurer of the union shall, out of any money then in his hands to the credit of 30 the Guardians, or if such money is insufficient for the purpose, then out of all moneys subsequently received by him on account of the Guardians, pay over the amount mentioned in the order to the Commissioners of Public Works. The Guardians of the union shall debit the electoral division with the amount so assessed upon the 35 division.*

Application  
of loans.

*6. The Guardians may apply the whole or any part of the sum borrowed by them for the use of each electoral division in purchasing seed potatoes which the Local Government may authorise, and in defraying all expenses incurred for carriage, storage, or 40 otherwise in providing such seed for sale. Such seed shall be sold*

by the Guardians to occupiers of land in the electoral divisions, A.D. 1880.  
subject to the provisions of this Act.

The Guardians may sell such seed, subject to the following provisions :

- 5     1. They may sell to any occupier of land valued at not more than ten pounds a quantity of seed potatoes sufficient to sow a half acre :
2. No seed shall be sold to any occupier of land valued at more than ten pounds, and no seed shall be sold for less
- 10    than the net price paid by the Guardians for it, including all expenses incurred for carriage, storage, or otherwise in providing such seed for sale :
3. No seed shall be sold to any person unless the Guardians, or such persons as the Local Government Board may
- 15    nominate in that behalf, are satisfied that the land into which it is to be put has been properly prepared and is ready for sowing :
4. If in any case any premises in the occupation of any occupier are not separately valued under the Acts relating to the
- 20    valuation of rateable property in Ireland, the Guardians may receive such evidence as they think fit as to the annual value of such premises, and such premises shall, for the purpose of this Act, be taken to be of the value which the Guardians shall determine, as if such premises had
- 25    been separately valued at that amount under the said Acts.

7. Payment of the amount due to the Guardians from each person who has purchased seed from the Guardians, whether before or after the passing of this Act, shall be made by two equal
- 30 instalments.

*Recovery of price from purchasers.*

For the purpose of obtaining payment of each such instalment due from each such purchaser, the Guardians shall levy such sum, where the person is rated under the Act for the Relief of the Poor, as part of the poor rate payable by such person, by a special rate

35 to be added to the poor rate assessed on the tenements occupied by such person, and to be collected therewith.

Where such person is not rated under the Acts for the Relief of the Poor the Guardians shall make a special rate for the purposes of this Act, in which he shall be rated.

- 40 Every special rate made for the purpose of obtaining payment of money due from each such purchaser shall be recoverable in the same manner and with the same remedies by the collectors of the

A.D. 1880. — poor rate as if it were poor rate, and shall be lodged to the credit of the Guardians with the treasurer of the union.

Provided that no person paying any such special rate shall be entitled to make any deduction on account of such payment from any rent which he is liable to pay. 5

The first of such special rates shall be made by the Guardians within two months after the first day of July one thousand eight hundred and eighty, and the second of such special rates shall be made by the Guardians within two months after the first day of July one thousand eight hundred and eighty-one. 10

Any person indebted to any Board of Guardians on account of any such purchase of seed may pay off his debt or each instalment of it at any time before each such special rate is made.

Power of  
entry and  
inspection.

8. When any seed has been sold under this Act to any occupier of land in any union, any of the Guardians of the union, or any 15 person nominated by the Guardians or by the Local Government Board, may at all reasonable times enter into and examine any land occupied by such occupier, for the purpose of ascertaining whether the seed sold to such occupier has been properly sown by him, and may do all acts reasonably necessary for that purpose. 20 For the purpose of facilitating such examination the Guardians shall keep a list of all the names and addresses of all purchasers of seed, and shall permit such list to be inspected by any person having authority to make such examination under this Act. If any person refuses to a Guardian or other person acting in 25 execution of this Act admission to any land which such Guardian or person is entitled to enter or examine, or obstructs or impedes him in so entering or examining, the person so offending may be prosecuted in a summary manner, according to the provisions of the Petty Sessions (Ireland) Act, 1851, and any Act amending 30 the same, and on conviction shall be liable to a fine not exceeding five pounds.

Summary  
recovery of  
price of  
seed.

9. If any occupier of land in any union to whom any seed has been sold by any Board of Guardians before or after the passing of this Act does not properly sow such seed, the Guardians 35 of the union may forthwith proceed to recover the price of such seed, whether the amount is more or less than two pounds, before the justices in petty sessions, in the manner prescribed by the Act passed in the session of Parliament held in the twenty-second year of the reign of Her present Majesty, chapter fourteen, and any Act 40 amending it; and the provisions of such Act and Acts shall apply

to such proceedings as if the debt sued for was under the value of two pounds. A.D. 1880.

10. If at any time it appears to the Local Government Board that the Board of Guardians of any union have made default in any respect in the execution of this Act, the Local Government Board may, if they think fit, themselves carry this Act into execution with reference to such union and the several electoral divisions thereof, and shall have for that purpose all the powers vested by this Act in the Board of Guardians of a union scheduled under this Act. In such case application for any loan may be made by the Local Government Board directly to the Commissioners of Public Works, and in other respects the Local Government Board shall be in the place and stead of the Board of Guardians so making default.

Powers of  
Local Government  
Board where  
Guardians  
make default.

11. Nothing contained in this Act shall be taken to prejudice or affect any proceedings which might have been instituted by the Commissioners of Public Works or by any Board of Guardians for the enforcement of any contract or the recovery of any debt.

Saving for  
other remedies.

12. If at any time before the passing of this Act the Commissioners of Public Works in Ireland shall have advanced money to any Board of Guardians for the purchase of seed, the sum so advanced, or any part thereof remaining unpaid from time to time, shall be a charge upon the rates leviable on such electoral division or divisions in the union as the Local Government Board shall appoint; and such sum or part shall be repaid in the same manner as sums lent by the Commissioners of Public Works to Boards of Guardians under the authority of this Act, and the provisions of this Act relative to the repayment of loans made under the authority of this Act shall apply to such loans made before the passing of this Act.

Repayment  
of loans made  
by the Board  
of Works.

13. If at any time before the passing of this Act any outlay shall have been made by any Board of Guardians for the purpose of seed for sale to occupiers of land in the union, such outlay, and all resolutions and proceedings of the board and of their officers in relation thereto, shall be ratified and confirmed and be as valid and effectual as if the outlay had been made and the resolutions and proceedings had been passed and taken under the authority and in compliance with the provisions of this Act; and all persons who have acted in any manner in making any loan to any Board of Guardians, or in making any advance of money to the Commis-

Confirma-  
tion of ex-  
penditure by  
Guardians,  
and indem-  
nity.

A.D. 1880. sioners of Public Works for the purpose of any such loan, or in making such outlay for seed, shall be released and indemnified from and against any penalties and surcharges in consequence thereof.

## Seed Potatoes (Ireland).

A

## B I L L

[AS AMENDED IN COMMITTEE]

For enabling Guardians of the Poor to borrow Money for the purpose of procuring Seed Potatoes for Tenants in Ireland.

(Prepared and brought in by  
Major Nolan, Mr. George Browne, and  
Mr. P. J. Smyth.)

*Ordered, by The House of Commons, to be Printed,  
11 February 1880.*

[Bill 68.]

*Under 1 oz.*

# Settled Land Bill. [H.L.]

## ARRANGEMENT OF CLAUSES.

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Clause.

### I.—PRELIMINARY.

1. Short title; commencement; extent.

### II.—DEFINITIONS.

2. Definition of settlement, tenant for life, &c.

### III.—SALE; ENFRANCHISEMENT; EXCHANGE; PARTITION.

3. Powers to tenant for life of sale, &c.
4. Regulations respecting sale, exchange, and partition.

### IV.—LEASES.

#### *Generally.*

5. Power for tenant for life to lease for ordinary or building or mining purposes.
6. Regulations respecting leases generally.

#### *Building and Mining Leases.*

7. Regulations respecting building leases.
8. Regulations respecting mining leases.
9. Variation of building or mining lease according to circumstances of district.

#### *Special Powers.*

10. Leasing powers for special objects.

#### *Surrenders.*

11. Surrender and new grant of leases.

#### *Copyholds.*

12. Power to grant to copyholders licences for leasing.
- [Bill 230.]

## V.—SUPPLEMENTAL AND GENERAL.

Clause.

13. Application of provisions of Act.

14. General protection of purchasers, &amp;c.

*Mansion.*

15. Restriction as to mansion house, park, &amp;c.

*Enfranchisement.*

16. Re-grant of rights on enfranchisement.

*Building, Mining, and other Stipulations.*

17. Restrictions on building and mining, &amp;c.

*Money for Enfranchisement and other Purposes.*

18. Mortgage for equality, enfranchisement, &amp;c.

*Incumbrances.*

19. Provision for incumbrances on land sold, &amp;c.

*Exchange.*

20. Exchange for land in England.

*Streets and Open Spaces.*

21. Dedication for streets, open spaces, &amp;c.

*Surface and Minerals apart.*

22. Separate dealing with surface and minerals with or without wayleaves, &amp;c.

*Accumulation of Mining Rent.*

23. Part of mining rent to be set aside.

*Timber.*

24. Cutting and sale of timber and part of proceeds to be set aside.

*Undivided Share.*

25. Concurrence in exercise of powers as to undivided share.

*Protection or Recovery of Land.*

26. Proceedings for protection or recovery of land settled or claimed as settled.

*Conveyance on Sale, Lease, or other Disposition.*

27. Completion by conveyance.

## VI.—APPLICATION OF PURCHASE AND OTHER CAPITAL MONEY.

Clause.

28. Capital money under Act ; payment to trustees or into Court.
29. Investment of capital money until application as directed.
30. Application of money paid for lease or reversion.
31. Investment in land in England.

## VII.—SETTLEMENT OF LAND ACQUIRED.

32. Settlement of land purchased, taken in exchange, &c.

## VIII.—IMPROVEMENTS.

*Improvements with Capital arising from Settlement.*

33. Description of improvements authorized by Act.
34. Approval by Land Commissioners of scheme for improvement and payment thereon.
35. Concurrence in improvements.
36. Obligation on tenant for life and successors to maintain, insure, &c.

*Improvements with Money of Tenant for Life.*

37. Power for tenant for life to charge his own expenditure for improvements.

*Execution and Repair of Improvements.*

38. Protection as regards waste in execution and repair of improvements.

*Tenants' Improvements.*

39. Payment of compensation under Agricultural Holdings Act.

## IX.—CONTRACTS.

40. Power for tenant for life to enter into contracts.

## X.—APPLICATION OF OTHER MONEY FOR PURPOSES OF SETTLEMENT.

41. Application of money in Court under Lands Clauses and other Acts.
42. Application of money in hands of trustees under powers of settlement.



## XI.—TRUSTEES.

Clause.

- 43. Appointment of trustees by Court.
- 44. Number of trustees to act.
- 45. Trustees receipts.
- 46. Protection of trustees individually.
- 47. Protection of trustees generally.
- 48. Trustees reimbursement.
- 49. Reference of differences to Court.
- 50. Application by trustees.
- 51. Notice to trustees.

## XII.—COURT; LAND COMMISSIONERS; PROCEDURE.

- 52. Regulations respecting payments into Court and applications.
- 53. Payment of costs out of settled property.
- 54. Filing of schemes, &c. of Commissioners.

## XIII.—RESTRICTIONS AND SAVINGS.

- 55. Powers not assignable; contract not to exercise powers void.
- 56. Prohibition or limitation against exercise of powers void.
- 57. Provision against forfeiture.
- 58. Restraint on anticipation.
- 59. Tenant for life trustee for all parties interested.
- 60. Saving for other powers.
- 61. Additional or larger powers by settlement.

## XIV.—EXISTING SETTLEMENTS.

- 62. Modifications respecting existing settlements.

## XV.—LIMITED OWNERS GENERALLY.

- 63. Tenant for life, married woman.
- 64. Enumeration of other limited owners to have powers of tenant for life.
- 65. Tenant for life, infant.

## XVI.—IRELAND.

- 66. Modifications respecting Ireland.
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## B I L L

## INTITULED

An Act for facilitating Sales, Leases, and other dispositions of Settled Land, and for promoting the execution of Improvements thereon. A.D. 1880.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

## I.—PRELIMINARY.

PRE-  
LIMINARY.

1.—(1.) This Act may be cited as the Settled Land Act, 1880.

(2.) This Act, except where it is otherwise expressed, shall commence and take effect from and immediately after the thirtieth day of November one thousand eight hundred and eighty, which time is in this Act referred to as the commencement of this Act.

Short title ;  
commence-  
ment ;  
extent.

(3.) This Act does not extend to Scotland.

## II.—DEFINITIONS.

## DEFINITIONS.

2.—(1.) Any deed, will, agreement for a settlement, or other agreement, covenant to surrender, copy of court roll, Act of Parliament, or other instrument, or any number of instruments, by virtue whereof any land, or any estate or interest in land, stands limited to or in trust for any persons by way of succession, including any such instrument affecting the estate or estates of one or more only of those persons, shall for the purposes and in the construction of this Act be deemed a settlement, and is in this Act referred to as a settlement, or as the settlement, as the case requires.

Definition of  
settlement,  
tenant for  
life, &c.

(2.) A settlement made after the commencement of this Act, including the will, although made before the commencement of this Act, of a testator dying after the commencement of this Act, shall for the purposes and in the construction of this Act be deemed a future settlement, and is so referred to in this Act. A settlement made before the commencement of this Act shall for the purposes

[Bill 230.]

A

A.D. 1880. and in the construction of this Act be deemed an existing settlement, and is so referred to in this Act. A reference in this Act to a settlement, without qualification, applies to both a future settlement and an existing settlement.

DEFINITIONS.

(3.) An estate or interest in remainder or reversion not disposed of by a settlement, and reverting to the settlor or descending to the testator's heir, shall, for the purposes of this Act, be deemed an estate or interest coming to the settlor or heir by virtue of the settlement.

(4.) Land comprised in and subject to a settlement, and any estate or interest, so comprised and subject, in land, shall for the purposes and in the construction of this Act be deemed settled land, and is, in relation to that settlement, referred to in this Act as the settled land.

(5.) The determination of whether land is settled land, for the purposes of this Act, or not, shall be governed by the state of facts, and the trusts or limitations of the settlement, at the time of the settlement taking effect.

(6.) The person who is for the time being, under a settlement, beneficially entitled to possession of settled land, for his life, is for the purposes and in the construction of this Act the tenant for life of that land, and the tenant for life under that settlement.

(7.) The persons, if any, who are for the time being, under a settlement, trustees with power of sale of the settled land, or of part thereof, or with power of consent to or approval of the exercise of such a power of sale, or if under a settlement there are no such trustees, then the persons, if any, for the time being, who are by the settlement declared to be the trustees thereof for the purposes of this Act, shall for the purposes and in the construction of this Act be deemed the trustees of the settlement.

(8.) In this Act—

(i.) Land includes incorporeal hereditaments, also an undivided share in land ; and income of land includes rents and profits ; and possession of land includes receipt of income :

(ii.) Rent includes yearly or other rent, and toll, duty, royalty, or other reservation, by the acre, or the ton, or otherwise ; and, in relation to rent, payment includes delivery ; and fine includes premium or fore-gift, and any payment, consideration, or benefit in the nature of a fine, premium, or fore-gift :

(iii.) Building purposes include the erecting and the improving of, and the adding to, and the repairing of buildings ; and a building lease is a lease for building purposes or purposes connected therewith :

- (iv.) Mines and minerals mean mines and minerals apart from the surface, whether already opened or in work or not, and include all minerals and substances in, on, or under the land, whether obtainable by underground working or by surface working; and  
 5 the surface means the ground apart from mines and minerals; and mining purposes include the sinking and searching for, winning, working, getting, making merchantable, carrying away, and disposing of mines and minerals, and the erection of buildings, and the execution of engineering and other works, suitable for those purposes;  
 10 and a mining lease is a lease for mining purposes or purposes connected therewith, and includes a grant or licence for mining purposes:
- (v.) Manor includes lordship, and reputed manor or lordship:
- (vi.) Steward includes deputy steward, or other proper officer,  
 15 of a manor:
- (vii.) Will includes codicil:
- (viii.) Securities include stocks, funds, and shares:
- (ix.) Her Majesty's High Court of Justice is referred to as the Court:
- 20 (x.) The Land Commissioners for England and Scotland, as so designated under any Act of the present session, are referred to as the Land Commissioners:
- (xi.) Person includes a body of persons corporate or unincorporate.

A.D. 1880.  
 DEFINITIONS.

### III.—SALE; ENFRANCHISEMENT; EXCHANGE; PARTITION.

- 25 **3.** A tenant for life shall, by virtue of this Act, have power from time to time—
- (i.) To sell the settled land, or any part thereof, or any easement, right, or privilege of any kind, over or in relation to the same; and
- 30 (ii.) Where the settlement comprises a manor,—to sell the seignory of any freehold land within the manor, or to sell the freehold and inheritance of any copyhold or customary land, parcel of the manor, or the freehold and inheritance of the surface thereof, or the freehold and inheritance of the mines and minerals therein, or any of them, so as in every such case to effect an enfranchisement; and
- 35 (iii.) To make an exchange of the settled land, or any part thereof, for other land, and to give or receive money for equality of exchange; and
- 40

SALE; EN-  
 FRANCHISE-  
 MENT; EX-  
 CHANGE;  
 PARTITION.

Powers to  
 tenant for  
 life of sale,  
 &c.

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A 2

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SALE; EN-  
FRANCHISE-  
MENT; EX-  
CHANGE;  
PARTITION.

(iv.) Where the settlement comprises an undivided share of land, or, under the settlement, the settled land has come to be held in undivided shares,—to concur in making partition of the entirety, and to give or receive money for equality of partition;

5

and to execute, make, and do all deeds, instruments, and things necessary or proper in that behalf.

Regulations  
respecting  
sale, ex-  
change, and  
partition.

4.—(1.) Every sale shall be made at the best price that can reasonably be obtained.

(2.) Every exchange and every partition shall be made for the best consideration in land or in land and money that can reasonably be obtained.

(3.) A sale may be made in one lot or in several lots, and either by public auction or by private contract.

(4.) On a sale the tenant for life may fix reserve biddings and buy in at an auction.

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(5.) A sale, exchange, or partition may be made subject to any stipulations respecting title, or evidence of title, or other matters.

## LEASES.

## IV.—LEASES.

## Generally.

## Generally.

20

Power for  
tenant for  
life to lease  
for ordinary  
or building  
or mining  
purposes.

5. A tenant for life shall, by virtue of this Act, have power to make from time to time a lease of the settled land, or of any part thereof, or of any easement, right, or privilege of any kind, over or in relation to the same, for any purpose whatever, whether involving waste or not, for any term not exceeding—

25

(i.) In case of a building lease, ninety-nine years:

(ii.) In case of a mining lease, sixty years:

(iii.) In case of any other lease, twenty-one years:

and to execute, make, and do all deeds, instruments, and things necessary or proper in that behalf.

30

Regulations  
respecting  
leases  
generally.

6.—(1.) Every lease shall be by deed, and be made to take effect in possession not later than twelve months after its date.

(2.) Every lease shall reserve the best rent that can reasonably be obtained, regard being had to any fine taken, and to any money laid out or to be laid out for the benefit of the settled land, and generally to the circumstances of the case.

35

(3.) Every lease shall contain a covenant by the lessee for payment of the rent, and a condition of re-entry on the rent not being paid within a time therein specified not exceeding thirty days.

(4.) A counterpart of every lease shall be executed by the lessee and delivered to the tenant for life; of which execution and delivery

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the execution of the lease by the tenant for life shall be sufficient evidence. A.D. 1880.

LEASES,

*Building and Mining Leases.*

Generally.

*Building  
and Mining  
Leases.*

Regulations  
respecting  
building  
leases.

7.—(1.) Every building lease shall be made partly in consideration of the lessee, or some person by whose direction the lease is granted, having erected, or agreeing to erect, buildings, new or additional, or having improved or repaired, or agreeing to improve or repair, buildings, or having executed, or agreeing to execute, on the land leased, an improvement authorized by this Act, for or in connexion with building purposes.

(2.) In a building lease a peppercorn rent or a nominal or other rent less than the rent ultimately payable may be made payable for the first five years or any less part of the term.

(3.) Where, under a contract for the leasing of land for building purposes, the land is to be leased in several lots, the entire amount of rent to be ultimately payable may be apportioned among the lots in any manner; save that—

(i.) The annual rent reserved by any lease shall not be less than ten shillings; and

(ii.) The total amount of the rents reserved on all leases for the time being granted shall not be less than the total amount of the rents which in order that the leases may be in conformity with this Act ought to be reserved in respect of the whole land for the time being leased; and

(iii.) The rent reserved by any lease shall not exceed one fifth part of the full annual value of the land comprised in that lease with the buildings thereon when completed.

(4.) A certificate in writing purporting to be signed by the surveyor or architect of the tenant for life certifying any matter of fact or calculation under this section shall, in favour of the lessee and of those deriving title under him, be evidence of the matter certified.

8.—(1.) In a mining lease—

(i.) The rent payable may be made to vary according to the acreage worked, or to the quantities of any mineral or substance gotten or made merchantable or sold; and

(ii.) A fixed or minimum rent may be made payable, with or without power for the lessee, in case the rent on working in any specified period does not produce an amount equal to the fixed or minimum rent, to make up the deficient working in any subsequent specified period, free of rent other than the fixed or minimum rent.

Regulations  
respecting  
mining  
leases.

A.D. 1880.

## LEASES.

*Building  
and Mining  
Leases.*Variation of  
building or  
mining lease  
according to  
circum-  
stances of  
district.

(2.) A mining lease may be made partly in consideration of the lessee having executed, or his agreeing to execute, on the land leased, an improvement authorized by this Act, for or in connexion with mining purposes.

9.—(1.) Where it is shewn to the Court with respect to the 5 district in which any settled land is situate, either—

(i.) That it is the custom for land therein to be leased or granted for building or mining purposes for a longer term or on other conditions than the term or conditions specified in that behalf in this Act, or in perpetuity; or 10

(ii.) That it is difficult to make leases or grants for building or mining purposes of land therein, except for a longer term or on other conditions than the term and conditions specified in that behalf in this Act, or except in perpetuity;

the Court may, if it thinks fit, authorize generally the tenant for 15 life to make from time to time leases or grants of or affecting the settled land in that district, or parts thereof, for any term or in perpetuity, at fee farm rents, or at rents secured by condition of re-entry, or otherwise, as in the order of the Court expressed, or may, if it thinks fit, authorize the tenant for life to make any such 20 lease or grant in any particular case.

(2.) Thereupon the tenant for life, and, subject to any direction in the order of the Court to the contrary, each of his successors in title having, under the limitations of the settlement, a limited estate or interest only in the settled land, shall, by virtue of this 25 Act, have power to make from time to time, or in the particular case, a lease or grant of or affecting the settled land, or part thereof, in conformity with the order.

*Special  
Powers.*Leasing  
powers for  
special ob-  
jects.*Special Powers.*

10. The power of leasing given to a tenant for life by this 30 Act shall extend to the making from time to time of—

(i.) A lease for the purpose of giving effect to any contract entered into by any of his predecessors in title for the making of a lease, which lease, if made by the predecessor, would have been binding on the successors in title; and 35

(ii.) A lease for the purpose of giving effect to any covenant of renewal, performance whereof could be enforced against the owner for the time being of the settled land; and

(iii.) A lease by way of confirmation, as far as may be, of any previous lease, being void or voidable; but so that every 40 lease by way of confirmation shall be in conformity with this Act.

*Surrenders.*

A.D. 1880.

LEASES.

*Surrenders.*Surrender  
and new  
grant of  
leases.

11.—(1.) A tenant for life shall, by virtue of this Act, have power from time to time to accept, with or without consideration, a surrender of any lease of the settled land, whether being a lease made  
5 by virtue of this Act or not, either in respect of the whole land therein comprised, or of any part thereof, or in respect of the surface, or of any part thereof, or in respect of mines and minerals, or any of them, or any part thereof; and any such consideration, if paid in money, shall be receivable by the tenant for life for his  
10 own use.

(2.) On a surrender of a lease in respect of part only of the land, surface, or mines and minerals, or of any of the mines and minerals therein comprised, the rent may be apportioned.

(3.) On any surrender, the tenant for life shall, by virtue of this  
15 Act, have power from time to time to make of the land, surface, or mines and minerals, or of any of the mines and minerals surrendered, or of any part thereof, a new or other lease in one lot, or new or other leases in several lots.

(4.) Any such new or other lease may comprise any additional land,  
20 surface, or mines and minerals, and may reserve any apportioned or other rent.

(5.) On any surrender, and the making of a new or other lease, whether for the same or for any extended or other term, and whether subject to the same or to any other covenants, provisions,  
25 or conditions, the value of the lessee's interest in the lease surrendered may be taken into account in the determination of the amount of the rent to be reserved, and of any fine to be taken, and of the nature of the covenants, provisions, and conditions to be inserted in the new or other lease.

30 (6.) Every new or other lease made under this section shall be in conformity with this Act.

*Copyholds.**Copyholds.*

12.—(1.) A tenant for life shall, by virtue of this Act, have power to grant, from time to time, to a tenant of any copyhold or  
35 customary land, parcel of a manor comprised in the settlement, a licence to make any such lease of that land, or of any specified part thereof, as the tenant for life is by this Act empowered to make of freehold land.

Power to  
grant to  
copyholders  
licences for  
leasing.

(2.) The licence may fix the annual value whereon, during the  
40 continuance of the lease, fines, fees, or other customary payments



A.D. 1880. are to be assessed, or may otherwise fix, during the continuance of the lease, the amount of those fines, fees, or payments.

LEASES.

Copyholds.

(3.) The licence shall be entered on the court rolls of the manor, of which entry a certificate in writing of the steward shall be sufficient evidence.

5

SUPPLEMENTAL AND GENERAL.

#### V.—SUPPLEMENTAL AND GENERAL.

Application of provisions of Act.

13. The provisions of this Act relating to sale, purchase, exchange, partition, and leasing, apply only to sales, purchases, exchanges, partitions, and leases made by virtue of this Act.

General protection of purchasers, &c.

14. On a sale, exchange, partition, or lease, a purchaser or other person dealing in good faith with the tenant for life shall, as against all parties entitled under the settlement, be conclusively taken to have given the best price, consideration, or rent, as the case may require, that could reasonably be obtained, and to have otherwise complied with the requisitions of this Act.

15

Mansion.

Mansion.

Restriction as to mansion house, park, &c.

15. Notwithstanding anything in this Act, the principal mansion house on any settled land, and any park or domain land usually occupied with that mansion house, or necessary or proper for the beneficial occupation or reasonable enjoyment thereof, shall not be sold or leased without the consent of the trustees of the settlement, or an order of the Court in that behalf.

20

Enfranchisement.

Enfranchisement.

Re-grant of rights on enfranchisement.

16. An enfranchisement may be made either with or without a re-grant of all or any of the rights of common or other rights, easements, or privileges theretofore appendant or appurtenant to or held or enjoyed with the land enfranchised, or reputed to be so appendant or appurtenant, or to be so held or enjoyed.

25

Building, Mining, and other

Building, Mining, and other Stipulations.

Stipulations. Restrictions on building and mining, &c.

17. On a sale, exchange, or partition, any restriction with respect to building, or to mines and minerals, or to any other matter, may be imposed and made binding, as far as the law permits, by covenant, condition, or otherwise, on the tenant for life and the settled land, or any part thereof, or on the other party and the land sold or given in exchange or on partition to him, or any part thereof.

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*Money for Enfranchisement and other Purposes.*

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SUPPLEMENTAL AND  
GENERAL.*Money for  
Enfranchisement and  
other  
Purposes.*Mortgage  
for equality,  
enfranchise-  
ment, &c.

18.—(1.) A tenant for life shall, by virtue of this Act, have power from time to time to raise on mortgage of the settled land, or of any part thereof, by conveyance of the fee simple, or other  
5 estate the subject of the settlement, or by creation of a term of years in the settled land, or otherwise, any money to be applied for equality of exchange or partition, or for enfranchisement, and to execute, make, and do all deeds, instruments, and things necessary or proper in that behalf.

10 (2.) A mortgagee, under a mortgage purporting to be so made, shall not be concerned to see that the money advanced by him is wanted, or that no more than is wanted is raised.

*Incumbrances.**Incum-  
brances.*Provision for  
incum-  
brances on  
land sold, &c.

19. Where on a sale, exchange, or partition there is an incum-  
15 brance affecting the land sold or given in exchange or on partition, the tenant for life shall by virtue of this Act have power, with the consent of the incumbrancer, to charge that incumbrance on any other part of the settled land in exoneration of the part sold or given in exchange or on partition, and, by conveyance of the fee  
20 simple, or other estate the subject of the settlement, or by creation of a term of years in the settled land, or otherwise, to make any provision necessary or proper for charging the same thereon.

*Exchange.**Exchange.*Exchange  
for land in  
England.

20. Settled land situate in England shall not be given in exchange  
25 for land situate out of England.

*Streets and open Spaces.**Streets and  
open Spaces.*Dedication  
for streets,  
open spaces,  
&c.

21. On or in connexion with a sale or grant for building purposes, or a building lease, the tenant for life shall, by virtue of this Act, have power from time to time, for the general benefit of the  
30 residents on the settled land, or on some portion thereof,—

(i.) To cause or require any parts of the settled land to be appropriated and laid out for streets, roads, paths, squares, gardens, or other open spaces, for the use, gratuitously or on payment, of the public or of individuals, with any  
35 sewers, drains, watercourses, fencing, paving, or other works necessary or proper in connexion therewith; and

(ii.) To provide that the parts so appropriated shall be conveyed to or vested in the trustees of the settlement, or other trustees, or any company or public body, on trusts or  
40 terms for securing the continued appropriation thereof to the purposes aforesaid, with or without provision for the

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SUPPLE-  
MENTAL AND  
GENERAL.*Streets and  
open Spaces.*

appointment of new trustees when required, and for the continued repair or maintenance of the streets and other places and works aforesaid; and

- (iii.) To execute from time to time any general or other deed necessary or proper for giving effect to the provisions of this section (which deed may be inrolled in the Central Office of the Supreme Court of Judicature), and thereby to declare the mode, terms, and conditions of the appropriation, and the manner in which and the persons by whom the benefit thereof is to be enjoyed, and the nature and extent of the privileges and conveniences granted.

*Surface and  
Minerals  
apart.*

Separate dealing with surface and minerals, with or without wayleaves, &c.

*Surface and Minerals apart.*

22. A sale, exchange, or partition, or a mining lease, may be made either of the surface, or of mines and minerals, or any of them, and with or without a grant or reservation of powers of working, wayleaves or rights of way, rights of water and drainage, and other powers, easements, rights, and liberties for or incident to or connected with mining purposes in relation to the settled land, or any part thereof, or any other land; and an exchange or partition may be made subject to and in consideration of the reservation of an undivided share of mines or minerals, or any of them.

*Accumulation of  
Mining  
Rent.*

Part of mining rent to be set aside.

*Accumulation of Mining Rent.*

23. On a mining lease, unless a contrary intention is expressed in the settlement, there shall be from time to time set aside, as capital, a portion of the rent as follows, namely,—where the tenant for life is impeachable for waste, three fourth parts of the rent, and otherwise one fourth part thereof.

*Timber.*

Cutting and sale of timber, and part of proceeds to be set aside.

*Timber.*

24.—(1.) Where the tenant for life is impeachable for waste, and there is on the settled land timber ripe and fit for cutting, the Court may, if it thinks fit, authorize the tenant for life to cut and sell that timber, or any part thereof.

(2.) Three fourth parts of the net proceeds of the sale of the timber so cut, after payment of the expenses of cutting and sale, and the costs, charges, and expenses of the application and order, shall be set aside as capital.

*Undivided  
Share.*

Concurrence in exercise of

*Undivided Share.*

25. Where the settled land comprises an undivided share of land, or, under the settlement, the settled land has come to be held in

undivided shares, the tenant for life of any undivided share shall, in relation to the exercise of his powers under this Act, have power from time to time to join or concur with the person entitled to or having power or right of disposition of or over any other undivided share, in any manner and to any extent necessary or proper in that behalf.

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SUPPLEMENTAL AND GENERAL.

*Undivided Share.*

powers as to undivided share.

*Protection or Recovery of Land.*

26.—(1.) The Court may, if it thinks fit, approve of any action, defence, petition to Parliament, parliamentary opposition, or other proceeding taken or proposed to be taken for protection of settled land, or of any action or proceeding taken or proposed to be taken for recovery of land being or alleged to be subject to a settlement, and may direct that any costs, charges, or expenses incurred or to be incurred in relation thereto, or any part thereof, be paid out of property subject to the settlement.

*Protection or Recovery of Land.*

Proceedings for protection or recovery of land settled or claimed as settled.

(2.) Section seventeen of the Settled Estates Act, 1877, is hereby repealed, but not so as to affect any application made thereunder before the commencement of this Act, or any proceeding or order taken or made, or to be taken or made, on any such application before or after the commencement of this Act.

40 &amp; 41 Vict. c. 18.

*Conveyance on Sale, Lease, or other Disposition.*

27.—(1.) On a sale, exchange, partition, lease, mortgage, or charge under this Act, the tenant for life shall, by virtue of this Act, as regards the land sold, given in exchange or on partition, leased, mortgaged, or charged, including copyhold or customary or leasehold land vested in trustees, or as regards the easements, rights, or privileges sold or leased, have power to convey or create the same by deed, for all such estate and interest as is subject to or included in the settlement, or as can be created out of an estate or interest so subject or included, to the uses and in the manner requisite for giving effect to the sale, exchange, partition, lease, mortgage, or charge.

*Conveyance on Sale, Lease, or other Disposition.*

Completion by conveyance.

(2.) A deed executed under this section shall, to the extent and in the manner to and in which it is expressed or intended to operate, be effectual to pass the land conveyed, discharged from all the limitations, powers, and provisions of the settlement, and from all estates, interests, and charges created thereunder, but subject to and with the exception of—

(i.) All estates, interests, and charges having priority to the settlement; and

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 —  
 SUPPLE-  
 MENTAL AND  
 GENERAL.  
 —  
*Conveyance  
 on Sale,  
 Lease, or  
 other Dispo-  
 sition.*

(ii.) All such other, if any, estates, interests, and charges as have been conveyed or created for securing money actually raised at the date of the deed ; and

(iii.) All leases and grants at fee farm rents or otherwise, and all grants of easements, rights of common, or other rights or privileges granted or made, before the date of the deed, by the tenant for life, or by any of his predecessors in title, or by any trustees for him or them, under the settlement, or under any statutory power, or being otherwise binding on the successors in title of the tenant for life. 5 10

(3.) In the case of a deed relating to copyhold or customary land it shall be sufficient that there be entered on the court rolls of the manor the deed, and so much of the settlement as shews the title to execute the deed of the person executing it ; and the steward is hereby required on production to him of the deed and the settlement to make the proper entry ; and on such production, and payment of all customary fines, fees, and other dues or payments, any person whose title under the deed requires to be perfected by admittance shall be admitted accordingly. 15

APPLICA-  
 TION OF PUR-  
 CHASE AND  
 OTHER  
 CAPITAL  
 MONEY.  
 —

Capital  
 money under  
 Act ; pay-  
 ment to  
 trustees or  
 into Court.

#### VI.—APPLICATION OF PURCHASE AND OTHER CAPITAL MONEY. 20

28.—(1.) All capital money arising under this Act and receivable for the trusts and purposes of the settlement, which shall be deemed to include purchase money on a sale, equality money on exchange or partition, a fine on a lease or licence, money raised on mortgage or charge, and the portion of mining rent and of proceeds of timber set aside as capital, shall, subject to and after satisfaction thereof of all claims properly payable thereout, be paid, at the option of the tenant for life, either to the trustees of the settlement or into Court. 25

(2.) The same when so paid shall, subject to application thereof for any special object for which the same was raised, be applicable by the trustees or under direction of the Court, as the case may be, in any one or more of the following modes (namely) : 30

(i.) In discharge, purchase, or redemption of incumbrances affecting the inheritance of the settled land, or other the whole estate the subject of the settlement in the settled land, or of land tax, rentcharge in lieu of tithe, Crown rent, chief rent, or quit rent charged on or payable out of the settled land : 35

(ii.) In payment for any improvement authorized by this Act : 40

(iii.) In payment for equality of exchange or partition of settled land :

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—  
APPLICA-  
TION OF PUR-  
CHASE AND  
OTHER  
CAPITAL  
MONEY.  
—
- (iv.) In purchase of the seignory of any part of the settled land held in fee simple, or in purchase of the fee simple of any part of the settled land, being copyhold or customary land, so as in each such case to effect an enfranchisement :
- 5 (v.) In purchase of the reversion in fee of any part of the settled land, being leasehold land held for years, or life, or years determinable on life, so as to merge the leasehold interest in the reversion :
- 10 (vi.) In purchase of land in fee simple, or of copyhold or customary land, or of leasehold land held for sixty years or more unexpired at the time of purchase, or of the surface of any such land :
- 15 (vii.) In purchase, either in fee simple, or for a term of sixty years or more, of mines and minerals convenient to be held or worked with the settled land, or of any easement, right, or privilege convenient to be held with the settled land for mining or other purposes :
- (viii.) In payment to any person becoming absolutely entitled or empowered to give an absolute discharge :
- 20 (ix.) In payment of costs, charges, and expenses of or incidental to the exercise of any of the powers, or the execution of any of the provisions, of this Act, properly payable thereout and not otherwise provided for :
- 25 (x.) In any other mode in which money produced by the exercise of a power of sale in the settlement is applicable thereunder.
- (3.) The application of the money aforesaid by the trustees shall be made on the request and according to the direction of the tenant for life, and if no such request or direction is made or given, and as
- 30 far as any such request or direction, if made or given, does not extend, then as the trustees think fit.
- (4.) The application thereof by the Court shall be made on the application of the tenant for life, or of the trustees.
- 29.—(1.) Until capital money arising under this Act is applied
- 35 as in the last foregoing section provided, the same may be invested by the trustees of the settlement or under direction of the Court, as the case may be, on securities on which the trustees are, by the settlement or by law, authorized to invest trust money of the settlement, with power to vary investments.
- 40 (2.) The investment of the money aforesaid by the trustees shall be made on the request and according to the direction of the tenant for life, and if no such request or direction is made or given, and as far as any such request or direction, if made or given, does not extend, then as the trustees think fit, but in that case subject to
- Investment  
of capital  
money until  
application  
as directed.

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APPLICA-  
TION OF PUR-  
CHASE AND  
OTHER  
CAPITAL  
MONEY.

any consent required or direction given by the settlement with respect to investments, or to the varying thereof.

(3.) The investment of the money aforesaid by the Court shall be made on the application of the tenant for life, or of the trustees.

(4.) Any investment made under this section shall not during 5 the life of the tenant for life be altered without his consent.

(5.) The income of securities on which investments are so made shall be paid or applied as the income of land purchased with capital money arising under this Act, and settled as directed by this Act, would be payable or applicable. 10

Application  
of money  
paid for  
lease or  
reversion.

**30.** Where any capital money arising under this Act is purchase money paid in respect of a lease for years, or life, or years determinable on life, or in respect of any other estate or interest in land less than the fee simple, or in respect of a reversion dependent on any such lease, estate, or interest, the trustees of the settlement or 15 the Court, as the case may be, and in the case of the Court on the application of any party interested in that money, may, notwithstanding anything in this Act, cause the same to be laid out, invested, accumulated, and paid in such manner as, in the judgment of the trustees or of the Court, as the case may be, will give to 20 the parties interested in that money the like benefit therefrom as they might lawfully have had from the lease, estate, interest, or reversion in respect whereof the money was paid, or as near thereto as may be.

Investment  
in land in  
England.

**31.** Capital money arising from settled land situate in England 25 shall not be laid out in the purchase of land situate out of England.

SETTLEMENT  
OF LAND  
ACQUIRED.

#### VII.—SETTLEMENT OF LAND ACQUIRED.

Settlement  
of land  
purchased,  
taken in ex-  
change, &c.

**32.—(1.)** Land acquired under this Act by purchase or in exchange, or on partition, shall be made subject to the settlement in manner directed in this section. 30

(2.) Freehold land shall be conveyed to the uses, on the trusts, and subject to the powers and provisions which, under the settle- ment, or by reason of the exercise of any power of charging therein contained, are subsisting with respect to the settled land, or as near thereto as circumstances permit, but not so as to increase 35 or multiply charges or powers of charging.

(3.) Copyhold, customary, or leasehold land shall be conveyed to and vested in the trustees of the settlement on trusts and subject to powers and provisions corresponding, as nearly as the law and circumstances permit, with the uses, trusts, powers, and provisions 40 on and subject to which freehold land is directed to be conveyed as aforesaid; so nevertheless that the beneficial interest in land held by lease for years shall not vest absolutely in a person who

is by the settlement made by purchase tenant in tail, or in tail male, or in tail female, and who dies under the age of twenty-one years, but shall, on the death of that person under that age, go as freehold land conveyed as aforesaid would go.

- 5 (4.) Land acquired as aforesaid may be made a substituted security for any charge in respect of money actually raised, and remaining unpaid, from which the settled land, or any part thereof, or any undivided share thereof, has theretofore been released on the occasion and in order to the completion of a sale, exchange, or  
10 partition.

- (5.) Where a charge does not affect the whole of the settled land, then the land acquired shall not be subjected thereto, unless the land is acquired either by purchase with money arising from sale of land which was before the sale subject to the charge, or by an  
15 exchange or partition of land which, or an undivided share whereof, was before the exchange or partition subject to the charge.

- (6.) On land being so acquired, any person who, by the direction of the tenant for life, so conveys the land as to subject it to any  
20 charge, shall not be concerned to inquire whether or not it is proper that the land should be subjected to the charge.

- (7.) The provisions of this section referring to land extend and apply as far as may be to mines and minerals, and to easements, rights, and privileges over and in relation to land.

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## VIII.—IMPROVEMENTS.

*Improvements with Capital arising from Settlement.*

33. Improvements authorized by this Act are the making or execution on, or in connexion with, and for the benefit of settled land, of any of the following works, or of any works for any of  
30 the following purposes, and any operation incident to or necessary or proper in the execution of any of those works, or necessary or proper for carrying into effect any of those purposes, or for securing the full benefit of any of those works or purposes (namely):

- (i.) Drainage, including the straightening, widening, or deepening  
35 of drains, streams, and watercourses :  
(ii.) Irrigation ; warping :  
(iii.) Drains, pipes, and machinery for supply and distribution of sewage as manure :  
(iv.) Embanking or weiring from a river or lake, or from the  
40 sea, or a tidal water :  
(v.) Groynes ; sea walls :

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SETTLEMENT  
OF LAND  
ACQUIRED.

IMPROVE-  
MENTS.  
—  
*Improvements with Capital arising from Settlement.*  
Description of improvements authorized by Act.



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IMPROVE-  
MENTS.*Improve-  
ments with  
Capital  
arising from  
Settlement.*

- (vi.) Inclosing; straightening of fences; re-division of fields:
- (vii.) Reclamation; dry warping:
- (viii.) Farm roads; private roads; roads or streets in villages or towns:
- (ix.) Clearing; trenching; planting: 5
- (x.) Cottages for labourers, farm-servants, and artizans, employed on the settled land or not:
- (xi.) Farmhouses, offices, and out-buildings, and other buildings for farm purposes:
- (xii.) Saw-mills, scutch-mills, and other mills, water-wheels, 10 engine-houses, and kilns, which will increase the value for agricultural purposes of the settled land:
- (xiii.) Reservoirs, tanks, conduits, watercourses, pipes, wells, ponds, shafts, dams, weirs, sluices, and other works and machinery for supply and distribution of water for 15 agricultural, manufacturing, or other purposes, or for domestic or other consumption:
- (xiv.) Tramways; railways; canals; docks:
- (xv.) Jetties, piers, and landing places on rivers, lakes, the sea, or tidal waters, for facilitating transport of agricultural 20 stock and produce, and of manure and other things required for agricultural purposes, and of minerals, and of things required for mining purposes:
- (xvi.) Markets and market-places:
- (xvii.) Streets, roads, paths, squares, gardens, or other open 25 spaces for the use, gratuitously or on payment, of the public or of individuals, or for dedication to the public, the same being necessary or proper in connexion with the conversion of land into building land:
- (xviii.) Sewers, drains, watercourses, pipe-making, fencing, pav- 30 ing, brick-making, tile-making, and other works necessary or proper in connexion with any of the objects aforesaid:
- (xix.) Trial pits for mines, and other preliminary works necessary or proper in connexion with development of mines:
- (xx.) Reconstruction, enlargement, or improvement of any of 35 those works.

Approval by  
Land Com-  
missioners of  
scheme for  
improvement  
and payment  
thereon.

**34.**—(1.) Where the tenant for life is desirous that capital money arising under this Act be applied in or towards payment for an improvement authorized by this Act, he may apply to the Land Commissioners for their approval of a scheme for the execution of 40 the improvement, including the proposed expenditure thereon, and may submit to the trustees of the settlement, or to the Court, as the case may be, a scheme as approved by the Commissioners.

(2.) Where the capital money to be expended is in the hands of the trustees, then, after a scheme is so approved, the trustees may from time to time apply the same in or towards payment for the whole or part of any work or operation comprised in the improvement, on either—

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MENTS.

(i.) A certificate of the Commissioners certifying to the effect that, in their judgment, that work or operation, or some specified part thereof, has been properly executed, and certifying what amount is, in their judgment, properly payable by the trustees in respect thereof; or

(ii.) An order of the Court directing or authorizing the trustees to so apply a specified portion of the capital money.

(3.) Every such certificate or order shall be conclusive in favour of the trustees as an authority and discharge for any payment made by them in pursuance thereof.

(4.) Where the capital money to be expended is in Court, then, after a scheme is so approved as aforesaid, the Court may from time to time, if it thinks fit, on a report or certificate of the Commissioners, or otherwise, make such order and give such directions as it thinks fit for the application of that money, or any part thereof, in or towards payment for the whole or part of any work or operation comprised in the improvement.

**35.** A tenant for life may from time to time join or concur with any other person interested in executing any improvement authorized by this Act, or in contributing to the cost thereof.

Concurrence  
in improve-  
ments.

**36.—(1.)** The tenant for life, and each of his successors in title having, under the limitations of the settlement, a limited estate or interest only in the settled land, shall, during such period, if any, as the Land Commissioners by certificate in any case prescribe, be bound, by virtue of this Act, to maintain and repair, at his own expense, every improvement executed under the foregoing provisions of this Act, and where a building or work in its nature insurable against damage by fire is comprised in the improvement, so to insure and keep insured the same, at his own expense, in such amount, if any, as the Commissioners by certificate in any case prescribe.

Obligation  
on tenant for  
life and  
successors to  
maintain,  
insure, &c.

(2.) It shall not be lawful for the tenant for life, or any of his successors as aforesaid, to cut down or knowingly permit to be cut down, except in proper thinning, any trees planted as an improvement under the foregoing provisions of this Act.

(3.) The tenant for life, and each of his successors as aforesaid, shall from time to time, if required by the Commissioners,

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MENTS.

on or without the suggestion of any person having, under the limitations of the settlement, any estate or interest in the settled land in possession, remainder, reversion, or otherwise, report to the Commissioners the state of every improvement executed under this Act, and the fact and particulars of fire insurance, if any. 5

(4.) The Commissioners may from time to time vary any certificate made by them for the purposes of this section, in such manner or to such extent as circumstances appear to them to require, but not so as to increase the liabilities of the tenant for life, or any of his successors as aforesaid. 10

(5.) If the tenant for life, or any of his successors as aforesaid, fails in any respect to comply with the requisitions of this section, or does any act in contravention thereof, he and his personal representatives shall be liable to an action by any person having, under the limitations of the settlement, any estate or interest in 15 the settled land in possession, remainder, reversion, or otherwise, for recovery of damages or for enforcement of the obligations imposed by this section.

*Improvements with Money of Tenant for Life.*

Power for tenant for life to charge his own expenditure for improvements.

*Improvements with Money of Tenant for Life.*

37.—(1.) Where a tenant for life lays out money belonging 20 to himself in the execution on the settled land of an improvement authorized by this Act, he shall have power, by virtue of this Act, to charge the amount so expended, or any part thereof, on the settled land, or any part thereof, and to execute make and do all 25 deeds, instruments, and things necessary or proper in that behalf, subject as in this section provided.

(2.) No such charge shall be made except in pursuance of a certificate of the Land Commissioners, certifying to the effect that, in their judgment, the work or operation executed is an improvement authorized by this Act and has been properly executed, and 30 certifying the amount expended, the expense of obtaining which certificate shall be borne in the first instance by the tenant for life, and may be included in the charge.

(3.) The money charged, or any part thereof, shall not be raise- 35 able during the life of the tenant for life, and the same shall be raise- able only for the benefit of his personal estate after his death.

(4.) No money shall be then raised under the charge except in pursuance of a further certificate of the Commissioners certifying to the effect that, in their judgment, the improvement is in good 40 repair and condition, and is of continuing value to the settled land, and certifying the amount, in their judgment, of the then value

thereof to the settled land; and the amount raiseable shall not exceed the amount so certified.

(5.) The amount so raiseable may be paid off by instalments, or otherwise, with interest not exceeding the rate of four per centum per annum from the death of the tenant for life, or without interest, as he directs, or as his personal representatives agree, which they are hereby empowered to do; but so that no part of the amount raiseable, or any interest thereon, be raised under the charge after the expiration of such time after the execution of the improvement as the Commissioners in their further certificate prescribe.

(6.) Provided that, if the land whereon the improvement is executed, or any part thereof, is sold in the life of the tenant for life, the same shall be conveyed free from the charge, and the tenant for life may, if he so requires, receive, out of the purchase money, or out of other capital money arising under this Act, the amount of the then unexhausted value to the settled land of the improvement, the same to be ascertained and certified by the Commissioners, or a part of that amount proportionate to the extent or value of the part of the land sold, to be ascertained and certified in like manner.

#### *Execution and Repair of Improvements.*

38. This Act shall be a full authority to the tenant for life, and to each of his successors in title having, under the limitations of the settlement, a limited estate or interest only in the settled land, and to all persons employed by or under contract with the tenant for life, or any of his successors as aforesaid, from time to time to enter on the settled land, and, without impeachment of waste by any remainderman or reversioner, thereon to execute any improvement authorized by this Act, or to inspect, maintain, and repair the same, and, for the purposes thereof, on the settled land, to do, make, and use all acts, works, and conveniences proper for the execution, maintenance, repair, and use thereof, and to get and work freestone, limestone, clay, sand, and other substances, and to make tramways and other ways, and to burn and make bricks, tiles, and other things, and to cut down and use timber and other trees not planted or left standing for shelter or ornament.

#### *Tenants' Improvements.*

39.—(1.) The modes of application of capital money arising under this Act shall include payment to a tenant of a holding of the amount of compensation due to him under the Agricultural Holdings (England) Act, 1875.

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IMPROVE-  
MENTS.*Improvements with  
Money of  
Tenant for  
Life.**Execution  
and Repair  
of Improve-  
ments.*Protection  
as regards  
waste in  
execution  
and repair  
of improve-  
ments.*Tenants' Im-  
provements.*Payment of  
compensa-  
tion under  
Agricultural  
Holdings  
Act.

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IMPROVE-  
MENTS.*Tenants' Im-  
provements.*38 & 39 Vict.  
c. 92, s. 42.

(2.) On any such payment, there may be obtained, in manner provided in that Act, a charge on the holding in respect thereof, in the name of the trustees of the settlement, or as the Court, as the case may be, directs.

(3.) The instalments of principal money paid under the charge shall be deemed capital money arising under this Act, and the interest paid under the charge shall be paid or applied as the income of land purchased and settled under this Act is payable or applicable.

CONTRACTS.

## IX.—CONTRACTS.

10

Power for  
tenant for  
life to enter  
into con-  
tracts.

40.—(1.) A tenant for life shall, by virtue of this Act, have power from time to time—

(i.) To contract to make any such sale, exchange, partition, mortgage, or charge as he is by this Act empowered to make; and

15

(ii.) To vary or rescind, with or without consideration, any such contract, in the like cases and manner in which, if he were an absolute owner of the land comprised therein or affected thereby, he might lawfully vary or rescind the same, but so that the contract as varied be in conformity with this Act; and any such consideration, if paid in money, shall be receivable by the tenant for life for his own use; and

20

(iii.) To contract to make any such lease as he is by this Act empowered to make, and in making the lease to vary the terms, with or without consideration, but so that the lease be in conformity with this Act; and any such consideration, if paid in money, shall be receivable by the tenant for life for his own use; and

25

(iv.) To accept a surrender of a contract for a lease, in like manner and on the like terms in and on which he is by this Act empowered to accept a surrender of a lease actually granted; and thereupon to make a new or other contract, or new or other contracts, for or relative to a lease or leases, in like manner and on the like terms in and on which he is by this Act empowered to make a new or other lease, or new or other leases, where a lease had been actually granted; and

30

35

(v.) To enter into a contract for or relating to the execution of any improvement authorized by this Act, and to vary or rescind any such contract.

40

(2.) Every such contract shall be binding on and shall enure for the benefit of the settled land, and shall be enforceable against and

by every successor in title for the time being of the tenant for life, and may be carried into effect by any such successor; but so that it may be varied or rescinded by any such successor, in the like case and manner, if any, as if it had been made by himself; and the  
 5 Court may, on the application of any such successor or of any person interested in the contract, give directions respecting the enforcing, carrying into effect, varying, or rescinding, of the contract.

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 —  
 CONTRACTS.  
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X.—APPLICATION OF OTHER MONEY FOR PURPOSES OF SETTLEMENT.

APPLICATION  
 OF OTHER  
 MONEY FOR  
 PURPOSES  
 OF SETTLE-  
 MENT.  
 —

- 10 41. Where, under any Act incorporating or applying, wholly or partially, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, or under the Settled Estates Act, 1877, or under any other Act, public, local, personal, or private, money has been or is before or after the commencement of this Act, paid into Court, and is liable  
 15 to be laid out in the purchase of land to be made subject to the limitations of a settlement, then, in addition to any mode of application thereof authorized by the Act under which the money is paid into Court, the same shall, by virtue of this Act, be applicable in any mode in which capital money arising under this Act is applicable,  
 20 on the like terms, if any, respecting costs and other matters, as nearly as circumstances admit, and according to the same procedure, as if the several modes of application authorized by this Act were comprised among the purposes for which money is authorized to be applied by the Act under which the payment  
 25 into Court is made.

Application  
 of money in  
 Court under  
 Lands  
 Clauses and  
 other Acts.

42. Where, under a settlement, money is at any time after the commencement of this Act in the hands of trustees, and is liable to be laid out in the purchase of land to be made subject to the limitations of the settlement, then, in addition to such powers of  
 30 applying the same as the trustees have independently of this Act, they shall, by virtue of this Act, have power from time to time to apply the same as capital money arising under this Act is applicable.

Application  
 of money in  
 hands of  
 trustees  
 under powers  
 of settle-  
 ment.

XI.—TRUSTEES.

TRUSTEES.  
 —

- 43.—(1.) If at any time there are no trustees of a settlement  
 35 within the meaning of this Act, or where it is in any other case expedient, for the purposes of this Act, that new trustees of a settlement be appointed, the Court may, if it thinks fit, from time to time, on the application of the tenant for life or of any other person having, under the limitations of the settlement,  
 40 an estate or interest in the settled land, in possession, remainder,

Appoint-  
 ment of  
 trustees by  
 Court.

**A.D. 1880.** reversion, or otherwise, or, in the case of an infant, of his testam-  
**TRUSTEES.** entary or other guardian, or next friend, appoint fit persons to  
 be trustees under the settlement for the purposes of this Act.

(2.) The persons so appointed, and the survivors and survivor of them, while continuing to be trustees or trustee, and, until the 5 appointment of new trustees, the personal representatives or representative for the time being of the last surviving or continuing trustee, shall for the purposes of this Act become and be deemed the trustees or trustee of the settlement.

**Number of trustees to act.** **44.**—(1.) Notwithstanding anything in this Act, capital money 10 arising under this Act shall not be paid to fewer than two persons as the trustees of a settlement, unless the settlement otherwise directs.

(2.) Subject thereto, the provisions of this Act referring to the trustees of a settlement apply to the surviving or continuing 15 trustees or trustee of the settlement for the time being.

**Trustees receipts.** **45.** The receipt in writing of the trustees of a settlement, or the receipt in writing, where one trustee is empowered to act, of one trustee or of a personal representative of the last surviving or continuing trustee, for any money or securities, paid or transferred 20 under this Act to the trustees or trustee, or to such personal representative, as the case may be, shall effectually discharge the payer or transferor therefrom, and from being bound to see to the application or being answerable for any loss or misapplication thereof.

**Protection of trustees individually.** **46.** Each person who is for the time being a trustee of a settle- 25 ment shall, in relation to the provisions of this Act, be answerable for what he actually receives only, notwithstanding his signing any receipt for conformity, and in respect of his own acts, receipts, and defaults only, and shall not be answerable in respect of those of any other trustee, or of any banker, broker, or other 30 person, or for the insufficiency or deficiency of any securities, or for any loss not happening through his own wilful default.

**Protection of trustees generally.** **47.** The trustees of a settlement, or any of them, shall not be liable for giving any consent under this Act, or for not making, bringing, taking, or doing any such application, action, 35 proceeding, or thing, as they might, under this Act, make, bring, take, or do; and in case of the purchase of land with capital money arising under this Act, or of any exchange, partition, or lease, shall not be liable for adopting any contract made by the tenant for life, or be bound to inquire as to the propriety of the 40 purchase, exchange, partition, or lease, or be answerable as regards the price or consideration, or any fine, and shall not be liable to see

to or answerable for the investigation of the title, or be answerable for a conveyance of land, if the conveyance purports to convey the land in the proper mode under this Act, or be liable in respect of any purchase money paid by them by direction of the tenant for life to any person joining in the conveyance as a conveying party, or as giving a receipt for the purchase money, or in any other character, or in respect of any other money paid by them by direction of the tenant for life on any such purchase, exchange, or partition.

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TRUSTEES.

48. The trustees of a settlement may reimburse themselves or pay and discharge out of the trust property all expenses properly incurred by them in or about the execution of the provisions of this Act.

Trustees' reimbursement.

49. If at any time, in the case of a future settlement, a difference arises between the tenant for life and the trustees of the settlement, respecting the exercise of any of the powers of this Act, the Court may, on the application of either party, give such directions respecting the matter in difference, and respecting the costs of the application, as the Court thinks fit.

Reference of differences to Court.

50. The trustees of a future settlement are authorized by this Act to make from time to time such applications to the Court as they think fit.

Application by trustees.

51.—(1.) The tenant for life under a future settlement, when intending to make a sale, exchange, partition, lease, mortgage, or charge under this Act, shall give notice of his intention to make the same to each of the trustees, by posting registered letters, containing such notice, addressed to the trustees, severally, each at his usual or last known place of abode in the United Kingdom, and shall give like notice to the trustee's solicitor, if any, known to the tenant for life, by posting a registered letter, containing such notice, addressed to the solicitor at his place of business in the United Kingdom, every such letter addressed to a trustee or to a solicitor being posted not less than fourteen days before the making by the tenant for life of the sale, exchange, partition, lease, mortgage, or charge.

Notice to trustee.

(2.) A purchaser, lessee, mortgagee, or other person dealing in respect of the settled land with the tenant for life, shall not be concerned to inquire respecting the giving of any such notice.

## XII.—COURT; LAND COMMISSIONERS; PROCEDURE.

52.—(1.) All matters within the jurisdiction of the Court under this Act shall, subject to the Acts regulating the Court, be assigned to the Chancery Division of the Court.

COURT;  
LAND COM-  
MISSIONERS;  
PROCEDURE.Regulations  
respecting



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COURT;  
LAND COM-  
MISSIONERS;  
PROCEDURE.payments  
into Court  
and applica-  
tions.

(2.) Payment of money into Court shall effectually exonerate therefrom the person making the payment.

(3.) Every application to the Court shall be by summons at Chambers.

(4.) On an application by a tenant for life notice shall be served 5 in the first instance on the trustees of the settlement.

(5.) On an application by the trustees of the settlement notice shall be served in the first instance on the tenant for life.

(6.) On any application notice shall be served on such other persons, if any, as the Court thinks fit. 10

(7.) The Court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges, or expenses of all or any of the parties to any application, and may, if it thinks fit, order that all or any of those costs, charges, or expenses be paid out of property subject to the settlement. 15

39 & 40 Vict.  
c. 59. s. 17.

(8.) General Rules for purposes of this Act shall be deemed Rules of Court within section seventeen of the Appellate Jurisdiction Act, 1876, and may be made accordingly.

(9.) The powers of the Court may, as regards land in the County Palatine of Lancaster, be exercised also by the Court of Chancery 20 of the County Palatine; and Rules for regulating proceedings in that Court shall be from time to time made by the Chancellor of the Duchy of Lancaster, with the advice and consent of a Judge of the High Court acting in the Chancery Division, and of the Vice-Chancellor of the County Palatine. 25

(10.) General Rules, and Rules for the Court of Chancery of the County Palatine, under this Act may be made at any time after the passing of this Act, to take effect on or after the commencement of this Act.

Payment of  
costs out of  
settled pro-  
perty.

**53.** Where under this Act the Court directs that any costs, 30 charges, or expenses be paid out of property subject to a settlement, the same shall, subject and according to the directions of the Court, be raised and paid out of capital money arising under this Act, or other money liable to be laid out in the purchase of land to be made subject to the limitations of the settlement, or 35 out of investments representing such money, or out of income of any such money or investments, or out of any accumulations of income of land, money, or investments, or by means of a sale of part of the settled land in respect whereof the costs, charges, or expenses are incurred, or of other settled land comprised in the 40 same settlement and subject to the same limitations, or by means of a mortgage of any such settled land, to be made by such person as the Court directs, and either by conveyance of the fee simple or

other estate the subject of the settlement, or by creation of a term, or otherwise, or by means of a charge on any such settled land, or partly in one of those modes and partly in another, or in any such other mode as the Court thinks fit to direct.

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COURT ;  
LAND COM-  
MISSIONERS ;  
PROCEDURE.

- 5   **54.**—(1.) Every scheme approved under this Act by the Land Commissioners, and every certificate or report under this Act of the Land Commissioners, shall be filed in their office.

Filing of  
schemes,  
&c. of Com  
missioners.

- (2.) An office copy of any scheme, certificate, or report so filed shall be delivered out of the office of the Commissioners to any  
10 person requiring the same, on payment of the proper fee, and shall be sufficient evidence of the scheme, certificate, or report, whereof it purports to be a copy.

RESTRIC-  
TIONS AND  
SAVINGS.

### XIII.—RESTRICTIONS AND SAVINGS.

- 55.**—(1.) The powers under this Act of a tenant for life shall not  
15 be capable of assignment or release, and shall not pass to a person as being, by operation of law or otherwise, an assignee of a tenant for life, and shall remain exerciseable by the tenant for life after, and notwithstanding, any assignment, by operation of law or otherwise,  
20 of his estate or interest under the settlement; and a contract by a tenant for life not to exercise any of his powers under this Act shall be void; but this section shall operate without prejudice to the rights of any person being an assignee for value of the estate or interest of the tenant for life, and the assignee's rights and interests shall not be affected without his consent, except that,  
25 unless the assignee is a tually in possession, his consent shall not be requisite for the making of leases by the tenant for life, provided the leases are made at the best rent that can reasonably be obtained, without any fine being taken, and in other respects are in conformity with this Act.

Powers not  
assignable ;  
contract not  
to exercise  
powers void.

- 30   (2.) This section applies to assignments made before or after the commencement of this Act; and in this section assignment includes assignment by way of mortgage, and any partial or qualified assignment, and any charge or incumbrance, and assignee has a meaning corresponding with that of assignment.

- 35   **56.**—(1.) If in a settlement or in any other assurance or instrument executed or made at any time before or after the commencement of this Act, a provision is inserted purporting or attempting, by way of direction, declaration, or otherwise, to forbid a tenant for life to exercise any of his powers under this Act, or attempting, or tending,  
40 or intended, by a limitation, gift, or disposition over of the settled land, or any part thereof, or by any limitation, gift, or disposition

Prohibition  
or limitation  
against  
exercise of  
powers, void.

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RESTRICTIONS AND SAVINGS.

of any other real or any personal property, or by forfeiture, or in any other manner whatever, to prohibit or prevent him from exercising, or to induce him to abstain from exercising, any of his powers under this Act, that provision, as far as it purports, or attempts, or tends, or is intended to have the operation aforesaid, shall be void. 5

(2.) For the purposes of this section, an estate limited to continue so long only as a person abstains from exercising any of his powers under this Act shall be and take effect as an estate to continue for any longer period for which it could continue, but determinable by limitation over, on exercise by that person, of any of his powers under this Act (that limitation over being void as aforesaid, by virtue of this section). 10

Provision against forfeiture.

57. Notwithstanding anything in a settlement, the exercise by a tenant for life of any of his powers under this Act shall not in any case occasion a forfeiture. 15

Restraint on anticipation.

58. A restraint on anticipation in a settlement shall not prevent the exercise by a married woman of any power under this Act.

Tenant for life trustee for all parties interested.

59. A tenant for life shall, in exercising any of his powers under this Act, have regard to the interests of all parties entitled under the settlement, and shall, in relation to the exercise by him of those powers, be deemed to be in the position and to have the duties and liabilities of a trustee for those parties. 20

Saving for other powers.

60. Nothing in this Act shall take away, abridge, or prejudicially affect any power for the time being subsisting under a settlement, or by statute or otherwise, and capable of being exercised by a tenant for life, or by trustees with his consent, or on his request, or by his direction, or otherwise; and the powers given by this Act shall be cumulative; but, in case of conflict between the provisions of a settlement and the provisions of this Act, relative to any matter in respect whereof the tenant for life exercises or intends to exercise any of his powers under this Act, the provisions of this Act shall prevail; and, accordingly, notwithstanding anything in the settlement, the consent of the tenant for life shall, by virtue of this Act, be necessary to the exercise by the trustees of the settlement of any power which is thereby conferred on them, and which is exerciseable for any purpose provided for in this Act. 25 30 35

Additional or larger powers by settlement.

61.—(1.) Nothing in this Act shall preclude a settlement from conferring on the tenant for life, or the trustees of the settlement, any powers additional to or larger than those conferred by this Act. 40

(2.) Any additional or larger powers so conferred shall, as far as may be, notwithstanding anything in this Act, operate and be exercisable in the like manner, and with all the like incidents, effects, and consequences, as if they were conferred by this Act, unless a contrary intention is expressed in the settlement.

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RESTRICTIONS AND SAVINGS.

EXISTING SETTLEMENTS.

## XIV.—EXISTING SETTLEMENTS.

62.—(1.) The foregoing provisions of this Act, except where it is otherwise expressed, apply to existing settlements as well as to future settlements, but shall, in the application thereof to existing settlements, be modified as in this section provided.

Modifications respecting existing settlements.

(2.) Any power given by this Act shall not be exercisable without an order of the Court in that behalf, which may be general, or for a particular purpose, as the Court thinks fit.

(3.) The Court shall not allow the exercise of any of those powers unless the Court deems it proper and consistent with a due regard for the interests of all parties entitled under the settlement.

(4.) The Court shall not allow the exercise of the power of sale with the object of raising money for an improvement authorized by this Act, unless the improvement is approved in the circumstances of the particular case by the Court, on a preliminary report or provisional certificate of the Land Commissioners, or otherwise, and with directions for securing the effectual execution of the improvement, under the superintendence of the Commissioners, or otherwise.

(5.) A purchaser on such a sale shall not be affected with notice of the object of the sale.

(6.) Notwithstanding anything in this Act, a settlement made between the passing and the commencement of this Act may declare that it shall be deemed a future settlement within the meaning of this Act, and it shall be, for the purposes and in the construction of this Act, deemed a future settlement accordingly.

LIMITED OWNERS GENERALLY.

## XV.—LIMITED OWNERS GENERALLY.

63.—(1.) Where a tenant for life is a married woman entitled for her separate use, whether she is an infant or not, she shall have and may exercise all the powers under this Act of a tenant for life.

Tenant for life, married woman.

(2.) Where a tenant for life is a married woman not entitled for her separate use, whether she is an infant or not, she and her husband together shall have and may exercise all the powers under this Act of a tenant for life.

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LIMITED  
OWNERS  
GENERALLY.

(3.) In cases within this section, the provisions of this Act referring to a tenant for life shall apply to the married woman solely, or to her and her husband, as the case may require.

(4.) The married woman, although an infant, shall, by virtue of this Act, have power to execute, make, and do all deeds, instruments, and things necessary or proper for carrying into effect the purposes of this section.

Enumeration  
of other  
limited  
owners to  
have powers  
of tenant for  
life.

**64.**—(1.) Each of the following persons, being beneficial owners of land with limited estates or interests only, shall, when the estate or interest of each of them is in possession, have the powers of a tenant for life under this Act, as if each of them were a tenant for life as defined in this Act (namely) :

- (i.) A tenant in tail, including a tenant in tail who is by Act of Parliament restrained from barring or defeating his estate tail, and although the reversion is in the Crown, and so that the exercise by him of his powers under this Act shall bind the Crown, but not including such a tenant in tail where the land in respect whereof he is so restrained was purchased with money provided by Parliament in consideration of public services : 15
- (ii.) A tenant in fee simple, with an executory limitation, gift, or disposition over, on failure of his issue, or in any other event : 20
- (iii.) A person entitled to a base fee, although the reversion is in the Crown, and so that the exercise by him of his powers under this Act shall bind the Crown : 25
- (iv.) A tenant for years determinable on life, not holding merely under a lease at a rent :
- (v.) A tenant for the life of another, not holding merely under a lease at a rent : 30
- (vi.) A tenant for his own or any other life, whose estate is liable to cease in any event during that life, whether by expiration of the estate, or by conditional limitation, or otherwise, or to be defeated by an executory limitation, gift, or disposition over, or is subject to a trust for accumulation of income, for payment of debts or other purpose : 35
- (vii.) A tenant in tail after possibility of issue extinct :
- (viii.) A tenant by the curtesy :
- (ix.) A person entitled to the income under a trust or direction for payment thereof to him during his own or any other life, whether subject to expenses of management or not, or 40

until sale of the land, or until forfeiture of his interest therein on bankruptcy or in any other event. A. D. 1880.

(2.) In every case within this section, the provisions of this Act relating to a tenant for life, and a settlement, and settled land, shall LIMITED OWNERS  
 5 extend to each of the persons in this section described, and to the instrument under which his estate or interest arises, and to the land therein comprised; and in any such case any reference in this Act to death as regards a tenant for life shall be deemed to refer to the determination by death or otherwise of such estate or interest as GENERALY.  
 10 last aforesaid.

**65.** Where a tenant for life, including any of the persons in the last foregoing section described, is an infant, not being a married woman, the powers under this Act of a tenant for life may be exercised on his behalf by the trustees of the settlement, and if Tenant for life, infant.  
 15 there are none, then by such person and in such manner as the Court, on the application of a testamentary or other guardian or next friend of the infant, either generally or in a particular instance, directs.

#### XVI.—IRELAND.

IRELAND.

20 **66.**—(1.) In the application of this Act to Ireland the foregoing provisions shall be modified as in this section provided. Modifica-  
tions re-  
specting  
Ireland.

(2.) The Court shall be Her Majesty's High Court of Justice in Ireland.

(3.) All matters within the jurisdiction of that Court shall, sub-  
 25 ject to the Acts regulating that Court, be assigned to the Chancery Division of that Court; but General Rules under this Act for Ireland may direct that those matters or any of them be assigned to the Land Judges of that Division.

(4.) Any deed inrolled under this Act shall be inrolled in the  
 30 Record and Writ Office of that Division.

(5.) General Rules for purposes of this Act for Ireland shall be deemed Rules of Court within the Supreme Court of Judicature Act (Ireland), 1877, and may be made accordingly, at any time 40 & 41 Vict.  
c. 57.  
 35 mencement of this Act.

(6.) The Commissioners of Public Works in Ireland shall be substituted for the Land Commissioners.

(7.) The term for which a lease other than a building or mining lease may be granted shall be not exceeding thirty-five years.

**Settled Land. [H.L.]**

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A

**B I L L**

INTITLED

An Act for facilitating Sales, Leases, and other dispositions of Settled Land, and for promoting the execution of Improvements thereon.

*(Brought from the Lords 18 June 1880.)*

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*Ordered, by The House of Commons, to be Printed,  
18 June 1880.*

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[Bill 230.]

*Under 5 oz.*

## A

## B I L L

## TO

Constitute the Borough of Sligo a Parliamentary Borough. A.D. 1880.

**W**HEREAS it is expedient to constitute the borough of Sligo a parliamentary borough: And whereas it was enacted by the thirty-third and thirty-fourth Victoria, chapter thirty-eight, commonly called the Sligo and Cashel Disfranchisement Act, that  
 5 the borough of Sligo should no longer return a member to serve in Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the  
 10 authority of the same, as follows:

1. *From and after the passing of this Act* the thirty-third and thirty-fourth Victoria, chapter thirty-eight, shall be and is hereby repealed so far as it relates to the borough of Sligo. Repeal of 33 & 34 Vict. c. 38.

2. At the first general election which shall take place after the  
 15 passing of this Act the borough of Sligo shall return *one member* to serve in Parliament. Borough of Sligo to return one member.

3. *On the passing of this Act* a register of voters for the borough of Sligo shall be formed, in the same manner as now by law a register of voters for a borough in Ireland is formed, in all respects  
 20 as if previously to the passing of this Act the borough of Sligo had been a borough returning a member to serve in Parliament. Register of voters to be formed.

4. This Act may be cited as the Sligo Borough (Ireland) Act, Short title. 1880.







# **Sligo Borough (Ireland).**

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A

## **B I L L**

To constitute the Borough of Sligo a  
Parliamentary Borough.

(*Prepared and brought in by*  
*Mr. O'Connor, Mr. Ashley, and Mr. Errington.*)

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*Ordered, by The House of Commons, to be Printed,*  
*6 February 1880.*

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[Bill 12.]

*Under 1 oz.*

A  
B I L L

TO

Constitute the Borough of Sligo a Parliamentary Borough. A.D. 1880.

**W**HEREAS it is expedient to constitute the borough of Sligo a parliamentary borough: And whereas it was enacted by the thirty-third and thirty-fourth Victoria, chapter thirty-eight, commonly called the Sligo and Cashel Disfranchisement Act, that  
5 the borough of Sligo should no longer return a member to serve in Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the  
10 authority of the same, as follows:

1. *From and after the passing of this Act* the thirty-third and thirty-fourth Victoria, chapter thirty-eight, shall be and is hereby repealed so far as it relates to the borough of Sligo. Repeal of  
33 & 34 Vict.  
c. 38.

2. *On the passing of this Act* a register of voters for the borough  
15 of Sligo shall be formed, in the same manner as now by law a register of voters for a borough in Ireland is formed, in all respects as if previously to the passing of this Act the borough of Sligo had been a borough returning a member to serve in Parliament. Register of  
voters to be  
formed.

3. *On the passing of this Act* the borough of Sligo shall be  
20 entitled to return *one member* to serve in Parliament. Borough of  
Sligo to  
return one  
member.

4. This Act may be cited as the Sligo Borough (Ireland) Act, 1880. Short title.

[Bill 186.]





SESS. 2.

## Sligo Borough.

A

## B I L L

To constitute the Borough of Sligo a  
Parliamentary Borough.

*(Prepared and brought in by  
Mr. Denis O'Connor, Mr. Errington, and  
Mr. Sexton.)*

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*Ordered, by The House of Commons, to be Printed,  
24 May 1880.*

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[Bill 186.]

*Under 1 oz.*

# South-western (of London) District Post Office Bill.

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## ARRANGEMENT OF CLAUSES.

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Clauses.

A.D. 1880.

1. Short title.
  2. Incorporation of Lands Clauses Acts.
  3. Interpretation.
  4. Power to acquire lands.
  5. Correction of errors, &c.
  6. Power to Postmaster-General to enter lands for the purpose of surveying.
  7. Diversion, &c. of streets, and extinction of rights of laying pipes, and other easements.
  8. Power to pull down buildings on land purchased and build others.
  9. As to claims for compensation by tenants from year to year.
  10. Consents to alteration of elevation or sale.
  11. Authentication of notices.
  12. Orders concerning money.
  13. Time for compulsory purchase.
  14. Sanction of Treasury required to purchase under this Act.
  15. Exemption of deeds from stamp duty.
  16. Saving rights of the Crown.
- 

[Bill 90.]

A





A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Enable Her Majesty's Postmaster-General to enlarge and  
acquire a site for the South-western (of London) District  
Post Office. A.D. 1880.

**W**HEREAS the South-western (of London) District Post Office  
affords inadequate accommodation for the purposes of the  
public service, and it is expedient that additional buildings be  
erected on land adjoining such post office, and that such land, and  
5 also the lands forming the site of the existing post office, should be  
acquired, appropriated, and dealt with by Her Majesty's Postmaster-  
General (in this Act called "the Postmaster-General") in manner  
in this Act mentioned, but the objects aforesaid cannot be obtained  
without the authority of Parliament :

10 And whereas a map or plan showing the lands to be acquired by  
the Postmaster-General under the authority of this Act, with a book  
of reference containing the names of the owners or reputed owners,  
lessees or reputed lessees, and occupiers of the lands which may be  
taken compulsorily under this Act, and describing those lands, have  
15 been deposited with the clerk of the peace for the county of  
Middlesex, and the same are in this Act referred to as the deposited  
plan and book of reference :

May it therefore please Your Majesty that it may be enacted ;  
and be it enacted by the Queen's most Excellent Majesty, by and  
20 with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows :

1. This Act may be cited as the South-western (of London) Short title.  
District Post Office Act, 1880.

25 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 Incorporation of Lands  
(in this Act called the Lands Clauses Acts), are, with the exception Clauses  
of the provisions of the Lands Clauses Consolidation Act, 1845, for Acts.

[Bill 262.]

A 2

A.D. 1880. — affording access to the special Act, incorporated with and form part of this Act, subject to the following provisions ; (namely,)

- (1.) In the construction of this Act and the Lands Clauses Acts this Act shall be deemed to be the special Act, and the Postmaster-General shall be deemed to be the promoter of the undertaking : 5
- (2.) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the corporate seal of the Postmaster-General, and shall be sufficient without the addition of the sureties in the said section mentioned. 10

Interpretation.

3. In this Act—

“The Treasury” means the Commissioners of Her Majesty’s Treasury :

“Person” includes a body of persons corporate or unincorporate. 15

Power to acquire lands.

4. Subject to the provisions of this Act and of the Articles of Agreement dated the sixteenth day of June 1880, set forth in the schedule to this Act, and which Articles of Agreement are by this Act confirmed and are in this Act referred to as the Scheduled Agreement, it shall be lawful for the Postmaster-General, out of any moneys which have been or may from time to time be appropriated by Parliament and put at his disposal for that purpose, to purchase and acquire for the purposes of this Act all or any of the lands shown and described on the deposited plan and in the book of reference. 20

Any lands acquired by the Postmaster-General under the authority of this Act shall be vested in and be held by him in his corporate capacity in trust for Her Majesty, her heirs and successors. 25

Correction of errors, &c.

5. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands shown or described, or intended to be shown or described on the deposited plan or in the book of reference, the Postmaster-General may apply to two justices for the correction thereof, after giving ten days notice to the owners, lessees, or occupiers of the lands affected by the proposed correction, and if it appears to the justices that such omission, mis-statement, or erroneous description arose from mistake, they shall so certify, stating the particulars thereof, and their certificate shall be deposited as if the same had originally formed part of the deposited plan or book of reference (as the case may be), and shall be kept 30 35 40

therewith, and shall be deemed to be part thereof, and thereupon the deposited plan or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Postmaster-General may enter on, purchase, take, hold, and use the  
5 lands to which the certificate relates accordingly.

A.D. 1880.  
—

6. It shall be lawful for the Postmaster-General and for his surveyors, officers, and workmen, at all reasonable times in the day-time to enter into and upon any of the lands shown and described on the deposited plan and in the book of reference, for the purpose  
10 of surveying or valuing such lands, on giving, for the first time, twenty-four hours, and afterwards, from time to time, twelve hours previous notice in writing to the owners or occupiers thereof.

Power to  
Postmaster-  
General to  
enter lands  
for the pur-  
pose of sur-  
veying.

7. From and after the time of the purchase of any lands under the authority of this Act, it shall be lawful for the Postmaster-  
15 General, during the progress of any works under the authority of this Act and no longer, to divert, alter, and stop up any street, road, way, path, passage, and place situate within the limits of the property to be acquired as described in the deposited plans.

Diversion,  
&c. of  
streets, and  
extinction of  
rights of  
laying pipes,  
and other  
easements.

Also, on such purchase as aforesaid by the Postmaster-General of  
20 any lands under the authority of this Act, all rights of laying down or continuing any pipes, sewers, or drains on, through, or under such lands, or any part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and the property in such pipes, sewers, or drains shall be vested in  
25 the Postmaster-General in such capacity and on such trusts as aforesaid: Provided that any person may recover from the Postmaster-General such compensation (if any) as he may be entitled to under the provisions of the Lands Clauses Acts for any private rights or private property of which he may be deprived in pursuance  
30 of this section, the amount of such compensation to be determined in manner provided by the said Lands Clauses Acts.

8. It shall be lawful for the Postmaster-General to pull down and remove all or any buildings erected on any lands purchased by him under the authority of this Act, and to appropriate the lands  
35 so purchased as a site for the erection of buildings for the public service, and for the formation of convenient approaches to such buildings, and on the same lands to construct such buildings and works, and to form such approaches, and do all such other things as in his opinion are necessary or expedient for the execution of any  
40 of the purposes of this Act.

Power to  
pull down  
buildings on  
land pur-  
chased and  
build others.

A.D. 1880.

As to claims  
for compen-  
sation by  
tenants from  
year to year.

**9.** Claims for compensation made on the Postmaster-General under the provisions of this Act, or any Act incorporated therewith, shall, if the person claiming compensation has no greater interest than as tenant for a year or from year to year in the lands in respect of which compensation is claimed, be determined in manner pro- 5  
vided by section one hundred and twenty-one of the Lands  
Clauses Consolidation Act, 1845.

Consents to  
alteration of  
elevation or  
sale.

**10.** No alteration shall be made in the elevation of any building fronting Buckingham Gate, or in the elevation of any building fronting on the north-east side thereof towards Stafford Place; 10  
neither shall any land or hereditaments which may be purchased by the Postmaster-General from the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, at any time or times be sold by the Postmaster-General without in every such case, as mentioned in this section, the previous consent in 15  
writing of the same Commissioners or one of them.

Authentica-  
tion of  
notices.

**11.** Every notice, summons, writ, or other document required to be given, issued, or signed by or on behalf of the Postmaster-General under this Act may be given, issued, or signed by any secretary or assistant secretary of the General Post Office for the time being, 20  
and need not be under the corporate seal of the Postmaster-General, and may be in writing or in print, or partly in writing and partly in print.

Orders con-  
cerning  
money.

**12.** All orders which the Chancery Division of Her Majesty's High Court of Justice is empowered to make on motion or petition 25  
in relation to any money paid into the Bank of England with the privity of the Paymaster-General under this Act, or the securities in or upon which the same may be invested, or the dividends or interest on such money and securities, may be made by any judge of the said division upon application to him while sitting at chambers 30  
upon summons in like manner as in other cases in which proceedings may be so had; subject, nevertheless, to any general orders which may hereafter be made concerning the practice, proceedings, or business of the said court on any such application.

Time for  
compulsory  
purchase.

**13.** The limit of time for the compulsory purchase of lands under 35  
this Act shall be *three years*.

Sanction of  
Treasury  
required to  
purchase  
under this  
Act.

**14.** No purchase shall be made by the Postmaster-General under the authority of this Act without the sanction of the Treasury, but such sanction may be given either generally or in respect of any particular purchase or purchases, and a vendor to or purchaser from 40

the Postmaster-General shall not be bound or entitled to inquire whether such sanction has been given. A.D. 1880.

15. No deed, bond, or other instrument executed for any of the purposes of this Act, shall be subject or liable to any stamp duty imposed by any Act for the time being in force, unless such instruments are specifically charged therewith by any Act passed after the passing of this Act. Exemption of deeds from stamp duty.

16. Except as provided by the scheduled agreement nothing contained in this Act shall authorise the Postmaster-General to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. Saving rights of the Crown.

A.D. 1880.

## The SCHEDULE,

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ARTICLES OF AGREEMENT made the sixteenth day of June one thousand eight hundred and eighty, between the Queen's most Excellent Majesty of the first part, the Honourable Charles Alexander Gore, the Commissioner of Her Majesty's Woods, 5  
Forests, and Land Revenues in charge of the land revenues of the Crown in the county of Middlesex of the second part, and the Right Honourable Henry Fawcett, M.P., Her Majesty's Postmaster-General of the third part.

Whereas application is being made to Parliament for an Act (herein-after 10  
called "the said proposed Act") to enable Her Majesty's Postmaster-General to enlarge and acquire a site for the South-western (of London) District Post Office. And whereas Her Majesty's Postmaster-General will require, for the purposes to be authorised by such Act, certain land, herein-after called "the 15  
said land," the property of Her Majesty in right of Her Crown, which said land is delineated and coloured light and dark pink in the plan drawn hereon, part thereof being now in the occupation of Her Majesty's Postmaster-General under two separate leases from the First Commissioner of Her Majesty's Works and Public Buildings, and the said Charles Alexander Gore, as such 20  
Commissioner as aforesaid respectively, for terms of years ending on the twenty-fourth day of June one thousand nine hundred and fifty-eight, the residue thereof being held by the lessee or lessees thereof under a lease from William Mantle Kay for a term ending on the twenty-fifth day of March one thousand eight hundred and ninety. And whereas it has been agreed between the said Charles Alexander Gore, as such Commissioner as aforesaid, and Her 25  
Majesty's Postmaster-General, that this Agreement shall be entered into relative to the said land. Now these presents witness that the said Charles Alexander Gore doth hereby, on behalf of the Queen's Majesty, agree with Her Majesty's Postmaster-General, and Her Majesty's Postmaster-General doth hereby agree with the Queen's Majesty in manner following; that is to 30  
say,

1. This Agreement shall not have any force or validity unless the proposed Act shall be passed in the present session of Parliament, in which case this Agreement shall be binding.

2. It shall be referred to such surveyor as herein-after provided to deter- 35  
mine the amount of the purchase money to be paid by Her Majesty's Postmaster-General for the freehold, subject to existing leases of the land and buildings, the property of the Queen's Majesty, which, subject to this Agreement, shall be taken under the powers of the said proposed Act, and such

buildings, the property of the Queen's Majesty, which, subject to this Agreement, shall be taken under the powers of the said proposed Act, and such surveyor shall include in such purchase money, compensation to the Crown as owner of the freehold for compulsory sale, and in determining the amount  
5 of the said purchase money, such surveyor shall take into consideration the provisions of this Agreement.

3. The amount of the said purchase money shall be paid by Her Majesty's Postmaster-General out of any moneys that may be provided by Parliament for the purpose, into the Bank of England, to the credit of the Commissioners  
10 of Her Majesty's Woods, Forests, and Land Revenues, before any alterations are made in the buildings now standing on the said land.

4. Her Majesty's Postmaster-General shall, within two years from the passing of the said proposed Act, widen the entrance to Stafford Place, in continuation southwards of the thoroughfare leading from Buckingham Palace  
15 Road to a width of not less than twelve feet, and shall dedicate the same to the public as an open passage way, and no part of the said thoroughfare shall be diminished in width.

5. In making any alterations or additions to the existing buildings, or in the erection of new buildings in place of those now standing on the said land,  
20 the present lines of building frontage, as defined on the said plan, shall be adhered to and maintained, and no change shall at any time be made therein, except as mentioned in Article 4, without the consent in writing of the Commissioner or Commissioners of Her Majesty's Woods, Forests, and Land Revenues in charge of the land revenues in the county of Middlesex, herein-  
25 after called the said Commissioner or Commissioners.

6. No wall or enclosure other than by an open iron railing, to be approved of by the said Commissioner or Commissioners, shall at any time be erected or made towards Stafford Place in front of the sites of the houses numbered 56, 57, 58, and 59, Stafford Place; and if any enclosure shall at any time be made  
30 on the west side of the passage-way from Buckingham Palace Road to Stafford Place by a wall, such wall shall be of good architectural character, and of design and material to be approved by the said Commissioner or Commissioners, and shall not exceed seven feet in height.

7. No alteration shall at any time be made in the elevation of any  
35 building standing on that part of the said land which is coloured dark pink on the said plan without the consent in writing of the said Commissioner or Commissioners.

8. The said land and any building erected or to be erected thereon shall not at any time be used or occupied for any purpose whatever other than as  
40 a post office.

9. If the said land with the building or buildings now standing or here-  
after to be erected thereon shall at any time cease to be used for the purposes of a post office, Her Majesty's Postmaster-General shall give the Crown the option as after mentioned of purchasing the freehold thereof with possession,  
45 and the value thereof shall be determined by a surveyor to be appointed by



A.D. 1880. that is to say, the Postmaster-General for the time being shall give three calendar months notice in writing to the said Commissioner or Commissioners that the said premises have ceased to be used for the purposes of a post office, and requiring him or them to exercise his or their option to purchase, and in case the said Commissioner or Commissioners do not before the expiration 5 of any such notice signify his or their intention to purchase the premises, then the said option shall be deemed to have been abandoned.

10. Upon payment of the purchase money mentioned in Article 2, a conveyance shall be made to Her Majesty's Postmaster-General by the said Commissioner or Commissioners of the said land, subject to the existing leases 10 thereof, the conveyance to be prepared in duplicate in the office of the said Commissioner or Commissioners, and to contain covenants by Her Majesty's Postmaster-General for the performance of such of the stipulations hereinbefore contained as may then remain to be performed, and such other clauses as are usually inserted in conveyances of a similar nature made by the 15 Crown.

11. All costs, charges, and expenses which have been or may be incurred by Her Majesty or the said Commissioner or Commissioners in relation to the purchase by Her Majesty's Postmaster-General of the said premises, or consequent upon the passing of the said proposed Act, and also the charges 20 for the preparation of this Agreement, and the conveyance to the Postmaster-General to be hereafter executed shall be paid by Her Majesty's Postmaster-General; provided that the Postmaster-General shall not be liable to pay any costs, charges, or expenses of the said Commissioner or Commissioners or as incident to any purchase by him or them under the powers of Article 9 of 25 this Agreement.

12. Her Majesty's Postmaster-General shall not require any abstract or other evidence of title to the said land.

13. This Agreement shall be subject to the approval of the Lords Commissioners of Her Majesty's Treasury. 30

14. The surveyor herein-before mentioned shall be appointed by the said Commissioner or Commissioners and Her Majesty's Postmaster-General, and such surveyor may obtain such information as he may require, and may be attended by and hear the respective surveyors of the Crown and of Her Majesty's Postmaster-General, one being heard on each side, but such surveyor 35 shall not take any other parol evidence of value, it being intended that he shall himself inquire and form his own judgment in reference thereto.

And the said Charles Alexander Gore doth hereby direct that this deed shall be deemed to be fully and sufficiently inrolled by the deposit of a duplicate thereof in the office of Land Revenue Records and Inrolments, and 40 the filing or making an entry of such deposit by the keeper of the said records and inrolments.

In witness whereof the said parties to these presents of the second and third parts have hereunto set their hands and seals the day and year first above written. 45



South-western (of  
London) District Post  
Office.

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A

B I L L

[AS AMENDED IN COMMITTEE]

To enable Her Majesty's Postmaster-General to enlarge and acquire a site for the South-western (of London) District Post Office.

(Prepared and brought in by  
Lord Frederick Cavendish and Mr. Fawcett.)

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Ordered, by The House of Commons, to be Printed,  
7 July 1880.<sup>1</sup>

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[Bill 262.]

Under 2 oz.

# Spirits Bill.

## ARRANGEMENT OF CLAUSES.

### *Preliminary.*

Clause.

- |                          |  |
|--------------------------|--|
| 1. Short title.          |  |
| 2. Commencement.         |  |
| 3. Definitions - - - - - | ss. 1, 3, 44, 148.<br>1855, s. 2.<br>1869, s. 3.<br>1874, s. 14. |
| 4. Division into Parts.  |  |

### PART I.

#### SPIRITS OTHER THAN METHYLATED SPIRITS.

##### *General.*

- |   |            |
|---|------------|
| 5. Prohibition of distilling, &c. without licence -                   | s. 3.      |
| 6. Liability of person having wash and a still -                      | s. 2.      |
| 7. As to capacity, &c. of still in England -                          | s. 7.      |
| 8. Condition for grant of licence for still of less than 400 gallons. | ss. 9, 10. |

##### *Distiller's Premises.*

- |   |       |
|---|-------|
| 9. Distillery to be within quarter of a mile of market town, except on terms as to lodgings for officers. | s. 6. |
|---|-------|

*Note.*—The following Acts, parts or the whole of which are incorporated in this Bill, are in the marginal notes referred to as follows:—

18 & 19 Vict. c. 38.	is referred to as	1855.
24 & 25 Vict. c. 91.	"	1861.
27 & 28 Vict. c. 12.	"	1864.
28 & 29 Vict. c. 96.	"	1865.
28 & 29 Vict. c. 98.	"	1865 A.
29 & 30 Vict. c. 64.	"	1866.
30 & 31 Vict. c. 27.	"	1867.
31 & 32 Vict. c. 124.	"	1868.
32 & 33 Vict. c. 103.	"	1869.
34 & 35 Vict. c. 103.	"	1871.
37 & 38 Vict. c. 16.	"	1874.
38 & 39 Vict. c. 23.	"	1875.
39 & 40 Vict. c. 16.	"	1876.
39 & 40 Vict. c. 35.	"	1876 A.
41 & 42 Vict. c. 15.	"	1878

Where the Act is not specified, the reference is to 23 & 24 Vict. c. 114.

[Bill 210.]

a

## Clause.

10. Distillery not to be within quarter of a mile of rectifier's premises.	s. 41.
11. Premises of distiller not to be connected with premises of brewer, &c.	s. 42.
12. Power to refuse licence to brewer, &c. - -	s. 11.

*Distiller's Spirit Store and Utensils.*

13. Provision and securing of spirit store - -	s. 13.
14. Scheduled rules with respect to vessels, &c. in distillery	ss. 14-31, 35, 36, 38, 85.
15. Alterations of vessels, utensils, and pipes - -	s. 32.
16. Power of Commissioners to allow use of additional or substituted vessels, &c.	1866, s. 7.
17. Penalty for interference with or attempt to defeat gauging.	ss. 23, 29, 31.
18. Penalty for frauds and offences in relation to fittings	s. 28.

*Distiller's Entry.*

19. Time and mode of making entry - - -	ss. 37-39.
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*Materials for Distillation.*

21. Materials for brewing and distillation - -	s. 50.
22. Distiller to use only wort made in his distillery -	s. 49.
23. Prohibition of unlawful disposal of malt, corn, and grain by distiller.	ss. 61, 62.
24. Use of sugar - - - - -	1874, s. 19.

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25. Unlawful hours for brewing and distilling - -	s. 64.
26. Brewing and distilling periods - -	s. 65.
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27. Notice in the case of a distiller commencing or re-commencing business.	s. 66.
28. Notice in the ordinary course of business to be given before each brewing.	s. 67.
29. Declaration as to wort - - - -	s. 69.
30. Penalty for excess of wort or wash beyond that specified in declaration.	s. 70.
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32. Yeast not to be added except in backs - -	s. 68.

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33. As to use of yeast - - - - -	1871, ss. 22, 23.
34. As to making bub or other fermenting composition -	s. 73.
35. Refilling backs during brewing period - -	s. 75.
36. Declaration at end of brewing period - -	s. 76.
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37. Penalty where original gravity exceeds gravity as declared.	s. 79.
38. Mode of ascertaining gravity of wort or wash -	ss. 72, 79.
39. As to mode of distilling - - -	ss. 77, 78, 83-85.
40. Return at end of distilling period - - -	ss. 93, 94.
41. Power to test by distillation - - -	ss. 81, 82.
42. Low wines or spirits not be mixed so as to increase gravity.	s. 90.

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43. Power for officer to take samples - - -	ss. 79, 80, 95.
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44. As to distiller's spirit store - - -	ss. 96-101, 109.
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47. Regulations for charging duty - - -	ss. 86-89, 91, 98.
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50. Distiller's warehouse - - -	s. 104.
51. Excise warehouse - - -	s. 108, 1865A, s. 13.
52. Accommodation for officer to be provided - -	s. 109.
53. Liability for spirits warehoused - - -	s. 108.
54. Revocation of approval of warehouse - - -	s. 110.
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56. Liability for spirits in Crown warehouse - -	s. 113.
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59. Regulations as to warehousing by distiller	-	-	-	ss. 105, 114, 116, 117, 137.
60. Warehousing re-imported spirits	-	-	-	s. 140.
61. Stowage of casks in warehouse	-	-	-	s. 118.
62. Inspection of spirits in warehouse	-	-	-	s. 121.
63. Transfer to purchaser in distiller's warehouse	-	-	-	s. 106.
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65. Vatting, blending, or racking in warehouse	-	-	-	ss. 119, 120. 1865A, s. 10.
66. Racking duty-paid spirits	-	-	-	1864, s. 5.
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81. Application of warehousing provisions to foreign spirits in an Excise warehouse.	-	-	-	1869, ss. 3-5, 10.
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88. Rectifier's premises not to be within a quarter of a mile of a distillery.			s. 41.
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90. Restrictions on business of rectifier	-	-	s. 149.
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## B I L L

TO

Consolidate and amend the Law relating to the Manufacture  
and Sale of Spirits.

A.D. 1880.

**B**E it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the authority of the same, as follows :

5

*Preliminary.*

1. This Act may be cited as the Spirits Act, 1880.

Short title.

2. This Act shall come into operation on *the first day of January* Commencement.  
*one thousand eight hundred and eighty-one*, which date is in this  
Act referred to as the commencement of this Act.

10

3. In this Act each of the following terms shall have the  
meaning assigned to it by this section, unless it is otherwise expressly  
provided, or there is something in the subject or context inconsistent  
with such meaning,—

Definitions,  
[ss. 1, 3, 44, 148.  
1855, s. 2.  
1869, s. 3.  
1874, s. 14.]

15

"Spirits" means spirits of any description, and includes all liquors  
mixed with spirits, and all mixtures, compounds, or prepara-  
tions, made with spirits :

"Low wines" means spirits of the first extraction conveyed into  
a low wines receiver :

"Feints" means spirits conveyed into a feints receiver :

20

"British spirits" means spirits liable to a duty of excise :

"Plain spirits" means any British spirits, (except low wines and  
feints,) which have not had any flavour communicated thereto  
or ingredient or material mixed therewith :

25

"Spirits of wine" means rectified spirits of the strength of not  
less than forty-three degrees above proof :

"British compounds" means spirits redistilled or which have  
had any flavour communicated thereto, or ingredient, or  
material mixed therewith :

30

"Foreign spirits" means all spirits and strong waters liable to a  
duty of Customs :

[Bill 210.]

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- "Sugar" includes any saccharine substance or syrup manufactured from any material from which sugar can be manufactured :
- "Commissioners" means the Commissioners of Inland Revenue :
- "Methylate" means to mix spirits with some substance in such manner as to render the mixture unfit for use as a beverage, and "methylated spirits" means spirits so mixed to the satisfaction of the Commissioners : 5
- "Proof" means the strength of proof as ascertained by Sykes's hydrometer :
- "Still" includes any part of a still, and any distilling apparatus whatever for distilling or making spirits : 10
- "Distiller," "rectifier," "dealer," and "retailer," mean respectively a person who distils, rectifies, or compounds, deals in, or retails spirits :
- "Excise trader" means any person carrying on a business subject to any of the regulations of this Act, and includes a maltster who makes malt duty free for distillation and any proprietor or occupier of an excise warehouse : 15
- "Licence" means a licence granted by the Commissioners or by an officer duly authorised by them ; and "licensed," as applied to an excise trader, means a person holding a licence so granted for the purpose of his business : 20
- "Premises," when used with reference to an excise trader, means any building or place used by him in the course of his business, and of which entry is required to be made : 25
- "Prescribed" and "approved" mean respectively prescribed or approved by the Commissioners :
- "Warehouse" means any warehouse approved or provided for the deposit of spirits :
- "Distiller's warehouse" means an approved warehouse on the premises of a distiller : 30
- "Excise warehouse" means a warehouse approved or provided by the Commissioners as a general warehouse for the deposit of spirits :
- "Customs warehouse" means a warehouse approved or provided by the Commissioners of Customs for the deposit of spirits : 35
- "Collector" means the collector of Inland Revenue, and in connexion with the business of an Excise trader means the collector for the collection in which the premises of the trader are situate, and includes a person acting as such collector : 40
- "Officer" means Officer of Inland Revenue :
- "Proper officer" means the officer of the division or ride in which the business of an Excise trader is carried on, or in

which anything is by this Act required to be done by, or any notice to be given to, such officer, and includes a person acting as such officer, and also any officer superior in matters of Excise to such officer :

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5 “Writing” includes print, and “written” includes printed :

“Justice” means a justice of the peace or a magistrate having jurisdiction for the county or place where any offence is committed or suspected to have been committed, or any offender is apprehended or found, or any goods or commodities are seized or liable to seizure or suspected to be so liable :

10 “County or place” includes a city, county of a city, county of a town, borough, liberty, division, franchise, or other place of magisterial jurisdiction :

“Schedule” means schedule to this Act.

15 4. This Act is divided into Parts, as follows :—

Division into Parts.

Part I.—Spirits other than methylated spirits.

Part II.—Methylated spirits.

Part III.—Supplemental.

## PART I.

### 20 SPIRITS OTHER THAN METHYLATED SPIRITS.

#### General.

5. (1.) No person may, without being licensed to do so, or on any premises to which his licence does not extend—

Prohibition of distilling, &c. without licence. [s. 3.]

25 (a.) Have or use a still for distilling, rectifying, or compounding spirits ; or

(b.) Brew or make wort or wash, or distil low wines, feints, or spirits ; or

(c.) Rectify or compound spirits.

30 (2.) If any person contravenes this section he shall for each offence incur a fine of *five hundred pounds*, and all spirits, and vessels, utensils, and materials for distilling or preparing spirits in his possession shall be forfeited.

6. Every person who makes or keeps wash prepared or fit for distillation, or low wines or feints, and has in his possession or use a still, shall, as respects the duties, penalties, and forfeitures imposed by law on distillers, be deemed to be a distiller.

Liabilities of person having wash and a still. [s. 2.]

7. (1.) In England if a distiller keeps or uses a still of which the body, without the head, is of less capacity than *three thousand* [210.]

As to capacity, &c. of still in England. [s. 7.]



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*gallons* he must not keep or use in his distillery at the same time more than two wash stills and two low wine stills.

(2.) For every still kept or used in contravention of this section the distiller shall incur a fine of *one hundred pounds*, and a further fine of *one hundred pounds* for every time that any such still is used; and every still kept or used in contravention of this section shall be forfeited. 5

Condition for  
grant of licence  
for still of less than  
400 gallons.  
[ss. 9, 10.]

8. (1.) A person shall not have a licence to keep a still of less capacity than *four hundred gallons*, unless he has in use a still of that capacity, or produces to the Commissioners a certificate, signed by three justices for the county or place that he is a person of good character, and fit and proper to be licensed to keep such a still, and that the premises in which he proposes to erect the still and of which he is in actual possession, are of the yearly value of *ten pounds* at least. 10 15

(2.) If the still is intended to be kept by persons in partnership, a certificate to the above effect with regard to one of the partners shall be sufficient.

(3.) The Commissioners may, if they think fit, refuse to grant the licence, notwithstanding the production of the justices' certificate; but, in case of refusal, they shall state the grounds thereof, in writing signed by them, to the justices. 20

#### *Distiller's Premises.*

Distillery to be  
within quarter of  
a mile of market  
town, except on  
terms as to lodg-  
ings for officers.  
[s. 6.]

9. (1.) A person shall not be entitled to a licence for, or be permitted to make entry of, a distillery, unless it is situate in or within a *quarter of a mile* of a market town in England or Ireland, or of a burgh in Scotland. 25

(2.) "Burgh" means royal burgh, parliamentary burgh, and burgh incorporated by Act of Parliament, and also any populous place the boundaries whereof have been fixed or ascertained under the provisions of "The General Police and Improvement (Scotland) Act, 1862." 30

(3.) The Commissioners may, if they think fit, grant a licence for, and permit entry to be made of, a distillery situate beyond these limits, on the terms of the distiller providing to their satisfaction lodgings for the officers to be placed in charge of the distillery. 35

(4.) The lodgings must be conveniently situate and must not form part of the distillery or of the distiller's dwelling-house, and the rent charged for them, unfurnished, must not exceed *fifteen pounds* a year. 40

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(5.) If a distiller to whom a licence is granted on these terms fails to provide the lodgings, or to keep them in repair, or interrupts or annoys any officer residing therein in his use or enjoyment thereof, the Commissioners may suspend or revoke his licence.

[ 5 10. (1.) No person may make entry of or use for brewing or making wort, or wash, or for distilling spirits, or for receiving or keeping spirits as a distiller, any premises within a *quarter of a mile* of any premises entered or used for rectifying or compounding spirits, or for receiving or keeping spirits by a rectifier. Distillery not to be within quarter of a mile of rectifier's premises. [s. 41.]

10 (2.) If any person contravenes this section he shall incur a fine of *five hundred pounds* for every week during which the premises are so entered or used.

11. (1.) A distiller may not carry on upon his premises the business of a brewer of beer, or a maker of sweets, vinegar, cider, or perry, of a refiner of sugar, or of a dealer in or retailer of wine. Premises of distiller not to be connected with premises of brewer, &c. [ss. 11, 42.]

(2.) No person may carry on the business of a distiller upon premises communicating otherwise than by an open public street or carriage road with any premises used by a brewer of beer, or a maker of sweets, vinegar, cider, or perry, or a refiner of sugar, or a dealer in or retailer of spirits or a dealer in or retailer of wine.

(3.) If any person contravenes any of the foregoing provisions of this section he shall incur a fine of *two hundred pounds*.

(4.) The Commissioners may refuse to grant a licence for distilling spirits in any premises in which, from their situation with respect to premises used for rectifying or compounding spirits, or to a brewery or vinegar manufactory, they think it inexpedient to allow the distilling of spirits.

12. The Commissioners may refuse to grant a licence to brew beer, or to make vinegar, on any premises in which, from their situation with respect to a distillery, they think it inexpedient to allow the brewing of beer or making of vinegar to be carried on. Power to refuse licence to brewer, &c. [s. 11.]

#### *Distiller's Spirit Store and Utensils.*

13. (1.) Every distiller must, to the satisfaction of the Commissioners, provide a spirit store and cause it to be properly secured. Provision and securing of spirit store. [s. 13.]

(2.) The spirit store must be kept locked by the officer in charge of the distillery at all times except when he is in attendance.

(3.) If a distiller fails to provide or secure a spirit store as by this section required, the Commissioners may, until it is so provided and secured, refuse to grant him a licence, or suspend or revoke his licence.

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Scheduled rules  
with respect to  
vessels, &c. in  
distillery.

[ss. 14-31, 35, 36,  
38, 85.]

**14. (1.)** Every distiller must observe the rules contained in the First Schedule.

(2.) For any contravention of the rules in the First Schedule penalties shall be incurred as follows :

- (a.) If there is found in a distillery any vessel in excess of the number permitted by the rules in the second part of the First Schedule, the vessel, with its contents, shall be forfeited, and the distiller shall incur a fine of *two hundred pounds*. 5
- (b.) For any contravention of the rules contained in the third part of the First Schedule the distiller shall incur a fine of *two hundred pounds*, and an additional fine of *twenty pounds* for every day during which the contravention continues. 10
- (c.) For any contravention of the rules contained in the fourth, seventh, or eighth part of the First Schedule the distiller shall incur a fine of *two hundred pounds*. 15
- (d.) For any contravention of the rules contained in the fifth, sixth, or tenth part of the First Schedule, the distiller shall incur a fine of *fifty pounds*. 20
- (e.) Every cask not marked as required by the rules contained in the ninth part of the First Schedule shall, with its contents, be forfeited.
- (f.) For any contravention of the rules contained in the eleventh part of the First Schedule, the wash, low wines, feints, or spirits in respect of which the rules are contravened shall be forfeited : and the distiller shall incur a fine of *two hundred pounds*, or, at the election of the Commissioners, of *twenty shillings* for every gallon of such wash, low wines, feints, or spirits. 25 30

Alterations of ves-  
sels, utensils, and  
pipes.

[s. 32.]

**15. (1.)** A distiller may, on giving to the proper officer two days previous notice in writing of his intention, specifying the vessel, utensil, or pipe intended to be altered, moved, or added, alter or move any entered vessel, utensil, or pipe, or add a new vessel, utensil, or pipe. 35

(2.) Every such new vessel, utensil, or pipe must be duly entered.

(3.) If a distiller, without giving such notice, alters, moves, or adds to the vessels, utensils, or pipes on his premises after entry has been made thereof, or the capacity thereof has been ascertained by the proper officer, he shall for each offence incur a fine of *two hundred pounds*. 40

Power of Commis-  
sioners to allow  
use of additional

**16.** The Commissioners may permit any distiller to fix and use, subject to such regulations as they prescribe, any vessel, utensil, or

fitting, in addition to or instead of any of those required by this Act, and may from time to time withdraw any such permission. This Act shall apply to any such additional or substituted vessel, utensil, or fitting as if its use were permitted or required by this Act. A.D. 1880.  
or substituted vessels, &c.  
[1866, s. 7.]

- 5 17. If on the premises of any distiller any attempt is made or device used to prevent or hinder an officer from ascertaining the gravity, quantity, or strength of the wort, wash, low wines, feints, or spirits in any vessel, or whilst running, or to deceive him in taking the dip or gauge of any vessel or utensil, the distiller shall for each  
10 offence incur a fine of *two hundred pounds*.

18. If a distiller --

- (a.) Places, affixes, or makes any cock, plug, pipe, or opening in, on, to, into, or from any vessel or utensil in contravention of this Act; or Penalty for frauds and offences in relation to fittings.  
[s. 28.]
- 15 (b.) Causes or procures any cover, fastening, cock, plug, pump, or pipe to be so made or used that any vessel or utensil may be employed, opened, removed, filled, or emptied in the absence of an officer, or as in any manner to avoid or defeat the security intended to be provided by this Act,
- 20 he shall for each offence incur a fine of *five hundred pounds*.

#### *Distiller's Entry.*

19. (1.) Every distiller must, before he begins to brew any wort, make entry of the vessels, utensils, fittings, and places intended to be used by him, by signing and sending or delivering to the proper officer an account in the prescribed form, setting forth with the prescribed particulars— Time and mode of making entry.  
[ss. 37-39.]

- (a.) His name and abode, and the situation of the premises intended to be entered; and
- 30 (b.) A true and particular description of every vessel and utensil intended to be used on those premises for the purpose of his business; and
- (c.) Either—
- 35 (i.) The number of gallons which every still, with its head, is capable of containing; or
- (ii.) The number of gallons of wash per hour which every still is capable of distilling; and
- (d.) The purpose for which each such vessel and utensil is intended to be used; and
- 40 (e.) Every house, room, and place in which any part of his business is to be carried on, or any spirits are to be kept; and

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(f.) The purpose for which each such house, room, or place is to be used.

(2.) In the account every vessel, utensil, house, room, and place must be distinguished by the name and number painted thereon.

(3.) No vessel, utensil, house, room, or place, must be described 5 in the account as intended to be used for more than one purpose.

(4.) There must be delivered with the account a drawing, model, or description distinctly showing the course, construction, and use of all fixed pipes to be used, and of every branch thereof and cock thereon, and every place, vessel, or utensil with which any such 10 pipe communicates.

(5.) If a distiller makes entry of any vessel, utensil, house, room, or place as intended to be used for more than one purpose, he shall for each offence incur a fine of two hundred pounds.

(6.) If any vessel, utensil, fitting, house, room, or place used by 15 a distiller, for any purpose connected with his business,—

(a.) is not specified in the account required to be delivered on making entry; or

(b.) is not numbered as so specified; or

(c.) is in any other place, or used or applied for any other pur- 20 pose, than as so specified; or

(d.) does not in all respects correspond with the representation thereof as so specified;

the distiller shall, for each offence, incur a fine of *five hundred pounds*; and every such vessel or utensil, with its contents, and 25 all spirits or materials for distilling spirits found in any such place, shall be forfeited.

Continuance of entry.

[s. 40.]

20. An entry must not be withdrawn whilst there remains in any place mentioned therein, any still, or in any place, vessel, or utensil mentioned therein, any materials preparing or fit for dis- 30 tillation, or any spirits liable to duty.

### *Materials for Distillation.*

Materials for brewing and distillation.  
[ss. 50, 72.]

21. A distiller may use in the brewing or making of wort or wash any material of such nature that the gravity of the wort or wash produced therefrom can be ascertained by the prescribed 35 saccharometer.

Distiller to use only wort made in his distillery.

[s. 49.]

22. (1.) A distiller must not distil spirits except from wort or wash brewed or made in his distillery.

(2.) If a distiller has in his possession any wort, wash, low wines, feints, or fermented liquor not brewed, made, or distilled in his 40

distillery, he shall forfeit the same, and also incur a fine of *two hundred pounds*.

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**23.** (1.) A distiller must not remove from his malting premises any corn or grain received by him, and must use all such corn or grain by making the same into malt at his malthouse.

Prohibition of unlawful disposal of malt, corn, and grain by distiller. [ss. 61, 62.]

(2.) A distiller must not sell any malt or remove any malt from his malthouse except to his distillery or for exportation under permit from the proper officer.

(3.) A distiller must not remove any malt from any part of his premises not being his malthouse.

(4.) A distiller must not conceal any corn or grain received by him at his malthouse or any malt received or made by him.

(5.) All malt found in the distillery otherwise than in the proper store room or millroom, or in the mash tun, or in due course of removal in accordance with the provisions of this Act, shall, for the purposes of this section, be deemed to be concealed by the distiller.

(6.) If a distiller contravenes any provision of this section, he shall, for each offence, incur a fine of *two hundred pounds*, and all malt, corn, and grain removed or concealed in contravention of this section shall be forfeited.

(7.) If a distiller is convicted more than once of an offence against this section, the Commissioners may, if they think fit, revoke his licence and refuse to grant him any further licence as a distiller; and may, if they think fit, refuse for *one year* to grant to any other person a licence to exercise the business of a distiller on the premises where the offence forming the ground of any such second or subsequent conviction was committed.

**24.** (1.) A distiller must not, without the consent of the Commissioners, remove any sugar from the place entered as a sugar store, except for use in the manufacture of spirits.

Use of sugar. [1874, s. 19.]

(2.) Not less than *four hours* before removing any sugar for this purpose, he must give the officer in charge of the distillery written notice, specifying the time of the intended removal, and the quantity to be removed.

(3.) At the time so specified, the distiller must convey the specified sugar immediately from the sugar store to the mash tun or other entered vessel, to be there immediately used in the manufacture of spirits.

(4.) He must forthwith deposit again in the sugar store all sugar so removed and not so used.

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(5.) If a distiller contravenes this section he shall for each offence incur a fine of *fifty pounds*.

*Brewing and Distilling.*

Unlawful hours  
for brewing and  
distilling.  
[s. 64.]

25. A distiller must not mash any materials, or brew, or make wort or wash, or use a still, between *eleven o'clock* in the afternoon 5 of *Saturday* and *one o'clock* in the forenoon of *Monday*.

If a distiller contravenes this section he shall incur a fine of *fifty pounds*.

Brewing and dis-  
tilling periods.  
[s. 65, 1874, s. 20.]

26. (1.) The period of brewing or making wort or wash (in this Act called the brewing period), and the period of distilling spirits 10 (in this Act called the distilling period), must, in every distillery, be alternate and distinct.

(2.) The brewing period extends from the commencement of any process of wetting, brewing, or mashing any materials until all the wort or wash in the distillery has been collected in the fermenting 15 backs and wash chargers, and the declaration required by this Act of such collection has been given.

(3.) The distilling period extends from the commencement of the distillation of any wash until all the wash, low wines, and feints in the distillery, or in the possession of the distiller, (except the feints 20 produced by the last re-distillation,) have been distilled into spirits and conveyed into the spirits receiver, and each furnace door, or the steam pipe of each still, has been secured by the officer in charge of the distillery.

(4.) Except as by this Act provided, a distiller must not use any 25 still before the expiration of *two hours* after the end of the brewing period.

(5.) Except as by this Act provided, a distiller, must not mash any materials or brew or make any wort or wash during the distilling 30 period.

(6.) A distiller may, immediately after all the wash in his possession has been removed into a wash charger, begin to brew wort, but only on condition that all the wash so removed be forth- with distilled, and that every still be worked off and secured within the following times; (that is to say,) in the case of a low wines still, 35 within *thirty-two hours* from the time when the wash was removed into the wash charger, and in the case of any other still within *sixteen hours* from that time.

(7.) If a distiller contravenes this section he shall for each offence 40 incur a fine of *five hundred pounds*.

27. (1.) Every distiller must, at least *six days* before beginning to brew wort, or, if he has discontinued brewing wort for more than *one month*, before recommencing to brew wort, give the proper officer a written notice, specifying the day on which he intends so to brew  
5 or recommence brewing.

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Notice in the case of a distiller commencing or recommencing business.

(2.) If a distiller contravenes this section, or if any wort or wash is found in the distillery or possession of a distiller before the notice required by this section is given, or before the day specified in the notice given by him, or if there is found in his possession any wort  
10 or wash which he may not lawfully have in his possession he shall for each offence incur a fine of *two hundred pounds*, and forfeit all wort or wash so found.

[s. 66.]

28. A distiller must, at least four hours before he mashes any materials or brews for making wort, give the officer in charge of  
15 the distillery written notice specifying the day and hour when the mashing or brewing is to be commenced.

Notice in the ordinary course of business to be given before each brewing.

If a distiller mashes or brews without giving such notice, he shall incur a fine of *fifty pounds*.

[s. 67.]

29. (1.) All wort must be collected into the fermenting back  
20 within *eight hours* after it has begun to run into the back.

Declaration as to wort.

(2.) Immediately after the wort is so collected the distiller must deliver to the officer in charge of the distillery a written declaration specifying—

[s. 69.]

(a.) The number of the back in which the wort is contained;  
25 and

(b.) The gravity or (if yeast has been added) the original gravity of the wort; and

(c.) The quantity thereof as measured by the number of dry  
30 inches, that is to say, by the number of inches between the dipping place of the back and the surface of the wort contained therein.

(3.) If a distiller makes default in complying with the provisions of this section, or if the declaration delivered by him contains any untrue statement, he shall for each offence incur a fine of *two*  
35 *hundred pounds*.

30. If after the declaration has been delivered the gravity of the wort shall be found to exceed the gravity therein specified or the quantity of the wort or wash shall be found to exceed by five per centum the quantity of wort therein specified the distiller shall incur  
40 a fine of *two hundred pounds*.

Penalty for excess of wort or wash beyond that specified in declaration.  
[s. 70.]

31. If after an officer has taken an account of the gravity or quantity of the wort or wash in a fermenting back any wort or

Penalty for excess of wort or wash

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—  
on comparison  
of accounts.  
[s. 71.]

wash is found in the back which exceeds in gravity, or exceeds by five per centum in quantity, the wort or wash of which the account has been taken, the following consequences shall ensue :

- (a.) All wort or wash found in the back shall be considered as new, and as not included in any former charge against 5 the distiller ; and
- (b.) The distiller shall be charged with duty in respect of the whole thereof as not being before charged ; and
- (c.) The wort or wash of which account had previously been taken shall be deemed to be distilled or decreased, and the 10 distiller shall be charged for a quantity of spirits in respect thereof as for wort or wash actually distilled or decreased ; and
- (d.) The distiller shall incur a fine of *two hundred pounds*.

Yeast not to be  
added except in  
backs.  
[s. 68.]

**32.** A distiller must not add yeast or other matter capable of 15 causing fermentation to wort or wash in any vessel except a fermenting back.

If a distiller contravenes this section he shall incur a fine of *two hundred pounds*.

As to use of yeast.  
[1871, ss. 22, 23.]

**33.** (1.) A distiller may, subject as in this section mentioned, 20 either remove yeast from the wort or wash in a fermenting back, or leave the yeast and sediment in a back, and remove the wort or wash to an empty back.

(2.) The quantity of yeast removed from or the quantity of yeast and sediment left in any one back, must not exceed eight per 25 centum of the wort or wash in the back.

(3.) If yeast is removed from and yeast and sediment left in the same back, the total quantity of yeast removed and yeast and sediment left must not exceed the same proportion.

(4.) Four hours before removing any wort or wash the distiller 30 must give the officer in charge of the distillery written notice specifying the backs from which and to which the wort or wash is to be removed.

(5.) No wort or wash may be removed from a back until an account thereof has been taken by the officer.

35

(6.) In calculating duty no abatement shall be made on account of any yeast removed from or yeast and sediment left in any back.

(7.) A distiller may manufacture in his distillery into a solid substance any yeast removed from, or any yeast and sediment left 40 in a back under this section, and may send out of his distillery or add to the wort or wash in any back therein, any such yeast or sediment, whether so manufactured or not.

34. (1.) A distiller must, at least *four hours* before beginning to make bub or any other composition for promoting the fermentation of wort or wash give the officer in charge of the distillery written notice, specifying the time when and the vessel in which the composition is to be made, the fermenting back into which it is to be put, and the quantity to be put into such back.

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As to making bub or other fermenting composition.

[s. 73.]

(2.) The quantity of the composition must not exceed *five per centum* of the wort or wash to which it is added.

(3.) The gravity of the composition must not exceed *sixty degrees*, and must not be increased after the officer has taken an account thereof.

(4.) The whole of the composition must be conveyed into the back specified in the notice within *twenty-four hours* after the time therein specified for making the composition.

(5.) If a distiller contravenes any provision of this section he shall, for each offence, incur a fine of *two hundred pounds*.

35. (1.) When fermentation has ceased in a fermenting back a distiller may, during the brewing period, on giving the notice required by this Act before the removal of wash, remove the whole of the wash from the back to the wash charger, and refill the back with fresh wort.

Refilling backs during brewing period. [s. 75.]

(2.) The wash so removed must be secured in the wash charger until the commencement of the distilling period.

36. (1.) When the whole of the wort or wash made in a distillery during one brewing period is collected into the fermenting backs or into the fermenting backs and wash charger, the distiller must give the officer in charge of the distillery a written declaration to that effect.

Declaration at end of brewing period. [s. 76. 1874, s. 20.]

(2.) If the declaration is untrue in any particular, or any still in the distillery is used before the expiration of two hours after the delivery thereof, the distiller shall incur a fine of *two hundred pounds*.

37. If the original gravity of any wort or wash as ascertained from any sample of wash taken from a fermenting back or wash charger exceeds by more than two degrees the gravity thereof as declared by the distiller, he shall incur a fine of *two hundred pounds*, and a further fine of *sixpence* for every gallon of wash contained in the vessel from which the sample was taken.

Penalty where original gravity exceeds gravity as declared. [s. 79.]

38. (1.) The gravity of wort or wash shall be ascertained by the prescribed saccharometer, and in calculating the same a degree of [210.]

Mode of ascertaining gravity of wort or wash. [ss. 72, 79.]

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gravity shall be taken as equal to one thousandth part of the gravity of distilled water at sixty degrees Fahrenheit.

(2.) To ascertain the original gravity of the wort from which wash is made, a definite quantity by measure of the wash must be distilled, and the distillate and spent wash each made up with 5 distilled water to the original measure of the wash before distillation.

(3.) The specific gravity of each must then be ascertained.

(4.) The number of degrees and parts of a degree by which the specific gravity of the distillate is less than the specific gravity of distilled water shall be deemed the spirit indication of the 10 distillate.

(5.) The specific gravity of the spent wash added to the degree of original gravity which in table A. in the second Schedule is set opposite the degree of spirit indication shall be deemed the original gravity of the wort. 15

(6.) All weighings and measurings for any of the above purposes, must be made when the liquid is at *sixty degrees Fahrenheit*.

(7.) The distiller or any person acting on his behalf may, if the distiller so desires, be present at any such process for ascertaining original gravity. 20

As to mode of  
distilling.

[ss. 77, 78, 83-  
85.]

**39.** (1.) *Four hours* before any wash is removed from a fermenting back, the distiller must give the officer in charge of the distillery written notice specifying the number of the back, and the day and hour of the intended removal.

(2.) At the time so specified the officer shall attend, and after he 25 has locked the discharge cock of the wash charger, and removed the fastenings which prevent the passage of the wash from the back to the charger, but not before, the whole of the wash, or, if the charger is not capable of containing the whole, then one half at least, must be removed from the back to the charger. 30

(3.) When the wash has been so removed and the fastenings have been secured, the officer may take an account of the quantity and the gravity of the wash.

(4.) After account has been so taken of the contents of a wash charger, no wash may be removed from a back into the same 35 charger before the whole of the contents of that charger have been removed into the still or intermediate charger.

(5.) The produce of all or any of the backs filled in the same brewing period may be collected in the receivers for such produce. 40

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(6.) Subject to the provisions of this section as to feints remaining from a previous distillation, all produce so collected must, throughout the whole course of its distillation, and until the removal to the spirit store of the spirits produced therefrom, be kept unmixed  
5 with any other matter, and separate from all other produce.

(7.) Any feints produced by and remaining from a previous distillation may be mixed with the low wines or feints produced by a subsequent distillation, and the process of re-distilling feints may be repeated as often as the distiller thinks fit.

10 (8.) Not less than *four hours* before the removal of any low wines, feints, or spirits from a receiver, the distiller must give the officer in charge of the distillery written notice specifying the day and hour of the intended removal.

(9.) At the time so specified the officer shall attend and after he  
15 has taken an account of the contents of the receiver, and removed the fastenings of its pump or discharge cock, but not before, the whole contents of the receiver must be forthwith removed therefrom, and conveyed, if low wines or feints, into the proper charger, but if spirits, into a vat or cask in the spirit store.

20 (10.) After the fastenings have been so removed, no other low wines, feints, or spirits may be conveyed into the receiver until the whole of its contents have been removed therefrom and the fastenings again secured.

(11.) If a distiller contravenes any of the foregoing provisions of  
25 this section he shall, for each offence, incur a fine of *two hundred pounds*.

(12.) Where a distiller has secured his low wines and feints pumps to the satisfaction of the Commissioners he may run low wines and feints together into the same receiver, and may at any  
30 time without notice remove low wines and feints from a receiver to a charger and re-distil them.

(13.) Where a still is connected with two spirit receivers the distiller may collect in each receiver alternately the spirits produced from any distillation or re-distillation, and when he has run into  
35 either receiver as much spirits as he thinks fit, he shall give notice to the officer, who shall thereupon lock the charging cock. No spirits may be removed from any such receiver until the expiration of *two hours* from such notice, nor except after the notice of removal required by this section.

40 40. At the end of every distilling period the distiller, or the principal manager of the distillery, must sign and deliver to the  
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Return at end  
of distilling period.  
[ss. 93, 94.]

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proper officer a return in the prescribed form specifying, with respect to the brewing and distilling period—

- (a.) The quantity of each description of material used in making wort or wash during the period ; and,
- (b.) The quantity of wort or wash decreased or distilled during the period ; and,
- (c.) The quantity of spirits computed at proof produced during the period ; and,
- (d.) The quantity of feints remaining at the end of the period.

If default is made in making the return required by this section, 10 or if the return is untrue in any particular, the distiller shall incur a fine of *two hundred pounds*.

Power to test by  
distillation.  
[ss. 81, 82.]

41. (1.) For the purpose of testing the quantity of spirits at proof in any wash by distillation, the proper officer may require any charger or receiver in a distillery to be emptied and cleaned, and 15 any quantity of the wash to be distilled, and the produce to be conveyed into the charger or receiver. For this purpose all persons in the employ of the distiller must, on request and on reasonable notice, provide the officer with assistance and fuel.

(2.) All low wines, feints, and spirits so distilled and conveyed 20 into a charger or receiver must be kept therein unmixed with any other thing until the officer has taken an account of the quantity and strength thereof.

(3.) If a distiller contravenes any of the foregoing provisions of this section, he shall incur a fine of *two hundred pounds*. 25

(4.) If the quantity of proof spirits produced from the wash exceeds the proportion of one gallon and a quarter for every hundred gallons of wash in respect of every five degrees of attenuation, (that is to say,) in respect of every five degrees of difference between the highest gravity of the wort from which the wash was produced as 30 declared by the distiller or as found by the officer, and the lowest gravity of the wash as taken by the officer, the distiller shall incur a fine of *two hundred pounds*, and, in addition, of *sixpence* for every gallon of wash from which the wash so distilled was taken.

Low wines or  
spirits not to be  
mixed so as to  
increase gravity.  
[s. 90.]

42. (1.) There must not be mixed with or added to any low 35 wines, feints, or spirits in a distillery any substance which either increases the gravity thereof, or prevents the true strength thereof from being ascertained by Sykes's hydrometer.

(2.) If this section is contravened, the distiller shall, for each offence, incur a fine of *two hundred pounds* and all low wines, 40 feints, spirits, and mixtures with respect to which the offence is committed shall be forfeited.

## Samples.

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43. (1.) An officer may take a sample of any wort, wash, low wines, feints, or spirits from any vessel or utensil in a distillery, and the gravity or strength of any sample so taken shall be deemed the gravity or strength of the whole contents of the vessel or utensil from which it is taken. Power for officer to take samples. [ss. 79, 80, 95.]

(2.) A distiller may, if he wishes, before any such sample is taken, stir up and mix together all the liquor contained in the vessel or utensil from which the sample is to be taken.

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## Spirits in Store.

44. (1.) No spirits may be brought into a distiller's spirit store unless they have been distilled in his distillery, and conveyed directly from the spirit receiver into the store. As to distiller's spirit store. [ss. 96-101, 109.]

(2.) No spirits which have been removed from the store may be brought back into the store.

(3.) The officer in charge of the store must, when required, attend at the store between *five o'clock in the forenoon and eight o'clock in the afternoon* on every day, except Sunday.

(4.) All spirits in the store must be filled into casks, in the presence of the officer, in the prescribed manner.

(5.) Spirits may not be removed from the store at any less strength than twenty per centum below proof, nor at any strength above twenty-five and under forty-three per centum over proof.

(6.) Spirits may not be removed from the store in any quantity less than *nine gallons*.

(7.) The casks in which spirits are removed may be either full or, subject to the prescribed regulations, on ullage.

(8.) All the spirits distilled in one distilling period (except a quantity not exceeding *one hundred and fifty gallons*, and in one ullage cask) must be removed from the store within *ten days* from the termination of that period, and before any spirits distilled in a succeeding period are brought into the store.

(9.) When all the spirits distilled in one distilling period have been removed from the spirit store, or at the end of *ten days* from the termination of that period, whichever first happens, the proper officer shall strike a balance in the account kept by him for the distillery.

(10.) If any spirits are brought into or found in or removed from a distiller's spirit store in contravention of this section the distiller shall, for each offence, incur a fine of *two hundred pounds*,

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and the spirits in respect of which the offence is committed shall be forfeited.

(11.) If any spirits are found in a distiller's spirit store after the time at which they are required by this section to be removed therefrom, the distiller shall incur a fine of *twenty shillings* for 5 every gallon of spirits so found.

(12.) Every distiller must, to the satisfaction of the Commissioners, provide accommodation at his spirit store for the officer in charge thereof, and, in default of doing so, shall incur a fine of *fifty pounds*. 10

Account of stock and penalty for excess or deficiency.

[s. 103.]

45. (1.) The proper officer shall from time to time take an account in the prescribed manner of the quantity of spirits in a distiller's spirit store.

(2.) If the quantity of spirits computed at proof found in the store is greater or less than the quantity which, according to the 15 account so taken, ought to be therein, the distiller shall incur a fine of *twenty shillings* for every gallon of spirits so in excess or deficient, and the spirits (if any) in excess shall be forfeited.

(3.) But a distiller shall not be liable to any penalty under this section if the excess does not exceed *one half per centum*, or the 20 deficiency *three per centum* on the balance struck when the account was last taken, together with the quantity since brought in from the spirit receiver, nor if he satisfies the Commissioners that the deficiency does not result from fraud.

(4.) Where there is an excess, and the distiller is not prosecuted 25 in respect thereof, he shall pay duty on the excess.

Spirits may be removed from a store for exportation or ship's stores.

[s. 138.]

46. Subject to the prescribed regulations and the prescribed security, spirits may be removed from a distiller's spirit store for exportation or for ship's stores without payment of duty.

#### *Charging and Payment of Duty.*

30

Regulations for charging duty.

[ss. 86-89, 91, 98.]

47. (1.) The duty on spirits made in a distillery is to be charged in respect of the wort or wash, the low wines, and the feints and spirits made in the distillery, and shall be payable according to such of those modes of charge as produces the greatest amount of duty. 35

(2.) In respect of every one hundred gallons of wort or wash the duty is to be charged for a quantity of spirits at the rate of one gallon of spirits at proof for every five degrees of attenuation, (that is to say,) for every five degrees of difference between the highest gravity of the wort as declared by the distiller or found by the 40 officer (whichever is the greater) without any allowance for waste,

bub, dregs, yeast, or other matter, and the lowest gravity of the wash as found by the officer before distillation.

(3.) In respect of low wines the duty is to be charged on the quantity of spirits at proof contained therein, less five per centum.

5 (4.) In respect of feints and spirits the duty is to be charged on the quantity of spirits at proof after deducting the feints (if any) remaining from a previous distillation and included in the account of feints and spirits last produced.

(5.) In calculating the duty payable on spirits an allowance shall  
10 be made for any deficiency occasioned by natural waste, subject to the following provisions—

(a.) The allowance shall not exceed one and a half per centum on the spirits removed from the receiver to the store.

(b.) If the deficiency exceeds three per centum on the spirits so  
15 removed no allowance whatever shall be made.

48. (1.) The proper officer shall from time to time make out in the prescribed manner and for the prescribed period a return of the quantity of spirits for which a distiller is chargeable, and of the duty payable thereon, and shall, if required in writing by the  
20 distiller, deliver to him, or leave at his distillery, a copy of this return, signed by the officer.

Return as to  
payment of duty.  
[s. 91.]

(2.) If a distiller does not, within the prescribed time and in the prescribed manner, pay the duty with which he is charged in the return, he shall incur a fine of *twenty pounds*, and forfeit double  
25 the duty payable by him.

49. (1.) If any duty payable by a distiller remains unpaid after the time within which it is payable, the collector may, by warrant signed by him, empower any person to distrain all spirits, malt, or other materials for distilling spirits, vessels, and utensils belonging  
30 to the distiller or in any premises in the use or possession of the distiller, or of any person on his behalf or in trust for him, and also all spirits warehoused in the name of the distiller, and to sell the same by public auction, giving *six days* previous notice of the sale.

Power to distrain  
for duties in  
arrear.  
[s. 92.]

(2.) The proceeds of sale shall be applied in or towards payment  
35 of the costs and expenses of the distress and sale, and in or towards payment of the duties due from the distiller, or in respect of any spirits so warehoused and distrained and sold, and the surplus, if any, shall be paid to the distiller.

(3.) But in the event of any spirits or malt being so distrained the  
40 distiller may, at any time before the day appointed for the sale thereof, remove under permit the whole or any part thereof on paying to the collector, in or towards payment of the duty, the true value of the spirits or malt.



A.D. 1880. (4.) Permits for such removal shall on application be granted as if the distress had not been made.

*Warehousing.*

Distiller's warehouse.  
[s. 104.]

**50.** (1.) A distiller may provide a warehouse on his premises for warehousing spirits distilled on the same premises without payment of duty. 5

(2.) Every such warehouse must be approved by the Commissioners and entered by the distiller.

Excise warehouse.  
[s. 108.]  
[1865 A, s. 13.]

**51.** (1.) The Commissioners may approve Excise warehouses for warehousing spirits without payment of duty. Such warehouses shall be for the general accommodation of persons desiring to warehouse spirits. 10

(2.) The proprietor or occupier of an excise warehouse must give the prescribed security.

Accommodation for officer to be provided.  
[s. 109.]

**52.** In the case of a distiller's warehouse or of an Excise warehouse, the distiller or the proprietor or occupier must, to the satisfaction of the Commissioners, provide accommodation at the warehouse for the officer in charge thereof, and in default of doing so shall incur a fine of *fifty pounds*. 15

Liability for spirits warehoused.  
[s. 108.]

**53.** (1.) The proprietor or occupier of a warehouse shall be alone responsible to the proprietor of any spirits warehoused therein for the safe custody of the spirits. 20

(2.) No action shall be brought against the Commissioners or any of their officers for loss or damage occasioned to spirits whilst warehoused in such warehouse, or on account of any wrong or improper delivery of spirits therefrom. 25

Revocation of approval of warehouse.  
[s. 110.]

**54.** The Commissioners may revoke their approval of a warehouse, and upon such revocation all spirits warehoused therein must be removed as the Commissioners direct, and no abatement of duty or allowance shall be made in respect of any such spirits for deficiency of quantity or strength after notice of the revocation has been given to the proprietor or occupier of the warehouse. 30

Crown warehouse.  
[s. 111.]

**55.** The Commissioners may, if they think fit, themselves provide excise warehouses, and may charge for spirits warehoused therein warehouse rent at the prescribed rate, not exceeding *one penny per week for forty gallons*. This rent must be paid by the proprietor of the spirits to the collector, and shall be a lien on all spirits warehoused in the same warehouse belonging to such proprietor. 35

Liability for spirits in Crown warehouse.  
[s. 113.]

**56.** If any spirits warehoused in an excise warehouse provided by the Commissioners are destroyed by fire, or by the falling of the warehouse or of any part thereof, no claim for compensation shall be 40

brought against Her Majesty or the Commissioners or any of their officers in respect of the spirits destroyed, but no duty shall be payable in respect thereof.

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**57.** (1.) A distiller may, subject and according to the provisions of this Act and to the prescribed regulations, and the prescribed security, warehouse, without payment of duty, in the distiller's warehouse any spirits distilled on his premises. Warehousing in distiller's warehouse. [ss. 104, 105, 112.]

(2.) The spirits may be warehoused in casks or in vats.

(3.) The spirits must not be of any strength other than that allowed on removal from the spirit store.

**58.** Where a distiller has given the prescribed security under which he may remove spirits from one warehouse to another he may, subject to the provisions of this Act and to the prescribed regulations, remove any spirits directly from his store to an excise or customs warehouse, and all spirits so removed shall be deemed to have been first warehoused in the distiller's warehouse and removed therefrom under the provisions of this Act. Constructive warehousing by distiller. [ss. 108, 112, 137.]

**59.** (1.) The casks in which spirits are warehoused by a distiller may be either full or on ullage, but each cask must contain not less than *nine gallons*, and on the outside of each end thereof there must be legibly cut, branded, or painted with oil colours the mark, number, capacity, and contents of the cask and the year in which it is warehoused. All the casks warehoused in a distiller's warehouse or from the same distillery in any one year must be continuously numbered, beginning with number one for the cask first warehoused in such year. Regulations as to warehousing by distiller. [ss. 105, 114, 116, 117, 137.]

(2.) A distiller must, not less than *twenty four-hours* before removing spirits from his store to his distiller's warehouse or an excise warehouse, give the officer in charge of the store, and also the officer in charge of the warehouse, written notice of the day and hour when he intends to begin the removal.

(3.) He must, by the same notice, or by a further written notice given to each of these officers not less than *one hour* before the removal, specify the mark, number, and capacity of each cask which he intends to warehouse, and the number of gallons and the strength of the spirits contained in each cask.

(4.) All spirits removed at the same time from the store to warehouse must be of the same strength, and within *one per centum* of the strength specified in the notice.

(5.) The removal of spirits must not take place except on the day specified in the notice, nor except between the hours of *eight o'clock* in the forenoon and *three o'clock* in the afternoon.

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(6.) The officer in charge of the warehouse shall give to the distiller a certificate in the prescribed form in relation to the spirits warehoused, and the certificate shall forthwith be delivered over to the officer in charge of the distillery.

(7.) In the case of spirits warehoused in a customs warehouse 5 the authorized officer of customs at the warehouse shall give to the distiller a receipt in the prescribed form for the spirits, and the receipt shall be forthwith delivered over to the officer in charge of the distillery, who shall give to the distiller a copy thereof signed by him.

(8.) The officer in charge of the distillery, after the delivery of any such certificate or receipt, shall deduct from the number of gallons of spirits for which the distiller is chargeable with duty the number of gallons of spirits warehoused computed at proof.

(9.) If a distiller or any other person produces a receipt, purporting 15 to express that spirits have been warehoused in a customs warehouse, which receipt is untrue in any particular, he shall incur a fine of *two hundred pounds*.

Warehousing re-  
imported spirits.  
[s. 140.]

60. The proprietor of any plain spirits reimported into the United Kingdom may, on the issue by the Commissioners of Customs of a 20 bill of store for the spirits, and on the repayment of the allowance granted on the exportation thereof, warehouse the spirits in an excise or customs warehouse.

Stowage of casks  
in warehouse.  
[s. 118.]

61. All casks warehoused must be arranged and stowed in such manner that access can be easily had to each cask. 25

If a distiller or the proprietor or occupier of a warehouse fails to cause the casks therein to be so arranged and stowed he shall incur a fine of *five pounds*.

Inspection of  
spirits in ware-  
house.  
[s. 121.]

62. (1.) The proprietor of spirits warehoused may, in the presence of the officer in charge of the warehouse, view and examine the 30 spirits, and show them for sale, and examine the state of the casks, and prevent leakage and drainage therefrom.

(2.) The officer shall, on request, attend at all reasonable times for this purpose, but not more than *once in twenty-four hours*.

Transfer to pur-  
chaser in distiller's  
warehouse.  
[s. 106.]

63. Spirits in a distiller's warehouse may, on the prescribed 35 security being given by the distiller, be transferred to a purchaser, but no further transfer may be made of them whilst remaining in the same warehouse.

Transfer to pur-  
chaser in excise  
warehouse.  
[1865, s. 23.]

64. British spirits warehoused in an excise warehouse in the name of a distiller or dealer may be transferred into the name of a 40 purchaser on his producing to the officer in charge of the warehouse

a written order for the delivery thereof, signed by the proprietor of the spirits, and countersigned by the proprietor or occupier of the warehouse or his servant acting for him at the warehouse. Spirits so transferred shall be discharged from all claim in respect of duties, penalties, or forfeitures to which the transferor is liable, but may not be delivered out of the warehouse for home consumption until payment of the duties chargeable thereon.

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65. (1.) The proprietor of spirits warehoused in a distiller's or excise warehouse may, in accordance with the prescribed regulations, vat, blend, or rack them in the warehouse, either on payment of duty or otherwise.

Vatting, blending, or racking in warehouse.

[ss. 119, 120. 1865A, s. 10.]

(2.) Every cask containing racked or blended spirits must be marked in the prescribed manner.

(3.) If the proprietor of any racked or blended spirits in a warehouse fails to have the casks containing the spirits marked as by this section required, and to keep them so marked, he shall incur a fine of *fifty pounds*.

66. (1.) The Commissioners may require a distiller or a proprietor or occupier of an excise warehouse to provide a separate room, secured to their satisfaction, for racking spirits on which duty has been paid.

Racking duty-paid spirits.

[1864, s. 5.]

(2.) The officer in charge of the warehouse shall keep an account of all spirits computed at proof belonging to a proprietor of spirits which shall be received into the room and lawfully sent out therefrom.

(3.) If at any time a greater quantity of spirits is found in the room than ought, according to the account, to be there, the excess shall be charged with duty.

(4.) If the excess amounts to more than *one per centum* of the quantity of spirits brought in since the last preceding account, it shall be forfeited, and the proprietor of the spirits shall incur a fine of *twenty shillings for every gallon* of the excess.

67. (1.) In any warehouse the duty shall be paid on any deficiency exceeding the amount which can be accounted for by natural waste or other legitimate cause before racking, and also on any deficiency exceeding one per centum which occurs during the operation.

Allowance upon deficiency in vatting, blending, or racking. [s. 119, 1864, s. 6.]

(2.) If, after duty has been paid on any spirits, a portion thereof is racked or drawn off from the cask, no further abatement or allowance for deficiency shall be made in respect thereof whilst they remain in warehouse.

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Reducing spirits  
in warehouse.

[1864, ss. 4, 6.]

**68.** (1.) A distiller may, in an excise warehouse specially approved for the purpose, and in accordance with the prescribed regulations, reduce with water any plain spirits of a strength not less than *forty-three per centum* over proof to any strength at which spirits may be removed from a distiller's spirit store. 5

(2.) The water used for this purpose must be supplied only through a service pipe and meter constructed, laid down, and fixed to the satisfaction of the Commissioners.

(3.) An allowance not exceeding *one per centum* shall be made on any deficiency occurring during the reduction. 10

Bottling spirits  
in warehouse.

[1864, ss. 1, 2.

1865A, s. 10.

1867, ss. 1, 2, 4.

1876, s. 3.

43 Vict. c. 14. s. 3.]

**69.** (1.) The proprietor of spirits warehoused in an excise warehouse may bottle the spirits on giving the officer in charge of the warehouse *twenty-four hours* previous notice of his intention to do so.

(2.) He must provide and give the prescribed security, and the place in which the spirits are to be bottled must be approved by the Commissioners, must be adjacent to the warehouse, and must not be situate in the same court or yard, or have any communication with the premises of a rectifier, dealer, or retailer. 15

(3.) If the spirits are for home consumption they must be drawn off into imperial or reputed quart or pint bottles, and packed in cases containing *one dozen quart bottles or two dozen pint bottles each*, or any number of dozens. 20

(4.) Each case must be fastened, secured, and marked in the prescribed manner in the bottling place. 25

(5.) Subject as aforesaid, spirits must be bottled, packed, and removed in accordance with the prescribed regulations.

(6.) If at any time there is found in the quantity of spirits belonging to the proprietor a deficiency since the last account was taken exceeding by *two per centum* in the quantity removed by him into the bottling place, he shall be charged with duty on such deficiency. 30

(7.) Spirits so bottled may not be removed for home consumption:—

(a.) by a distiller, unless he is also licensed as a dealer in a quantity less than *five dozen* imperial or reputed quart bottles, or *ten dozen* imperial or reputed pint bottles; 35

(b.) by any person in a quantity less than *one dozen* imperial or reputed quart bottles, or *two dozen* imperial or reputed pint bottles. 40

Sweetening,  
and colouring,  
in warehouse.

**70.** A distiller or a rectifier may, in accordance with the prescribed regulations, and on giving to the proper officer, or the

authorized officer of customs, one day's notice, add any sweetening or colouring matter, or any other ingredient, to any spirits warehoused by him in an excise or customs warehouse.

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[s. 139.  
1865A, s. 7.  
1869, s. 9.]

71. Any spirits warehoused in an excise or customs warehouse, except British compounds, may be used in the warehouse for fortifying wines, or for any other purpose for which foreign spirits may be used under the Acts relating to the customs.

Fortifying.  
[s. 146.  
1865 A, s. 9.  
1869, s. 9.  
39 & 40 Vict. c. 36.  
s. 95.]

72. Spirits may not be removed from a distiller's warehouse before *six in the forenoon* or after *six in the afternoon*, nor from an excise warehouse before *eight in the forenoon* or after *four in the afternoon*.

Hours of removal from warehouse.  
[s. 128.]

73. Subject to the provisions of this Act, spirits warehoused may, in accordance with the prescribed regulations, and on the prescribed security being given, and at the risk of the proprietor thereof, be removed to any other warehouse except a distiller's warehouse.

Removal from one warehouse to another.  
[ss. 130, 138.  
1864, ss. 11, 14.  
1869, s. 4.]

74. Where spirits are to be warehoused in an excise warehouse upon removal from another warehouse, the proprietor of the spirits may, on their arrival at, but before their actual deposit in, the warehouse, make an entry thereof, or of some portion thereof not being less than one cask, for removal for home consumption, or to another warehouse, or for exportation, or ship's stores, and thereupon the spirits of which entry is so made shall be considered as if they had been actually deposited, and may be delivered and removed accordingly.

Constructive deposit on removal.  
[s. 131.]

75. Spirits to which any sweetening or colouring matter or any other ingredient has been added in warehouse, British liqueurs or tinctures or medicinal spirits, may not be delivered from a warehouse except for exportation or ship's stores, and must, when so delivered, be removed directly from the warehouse to the ship in which they are to be exported or used as stores.

Restriction on removal of British liqueurs and certain other spirits.  
[1867, s. 5.  
1869, s. 13.]

76. (1.) Spirits may be delivered from a warehouse for home consumption after the full duty chargeable thereon has been paid.

Delivery from warehouse for home consumption.

(2.) The officer at the warehouse shall, on production to him of the receipt for the duty, allow the spirits to be removed.

[s. 123.]

(3.) The spirits must be conveyed to the place of destination and delivered there, without alteration or change, in the same casks or packages in which they left the warehouse.

77. On the delivery for home consumption from any warehouse of a cask or package of British spirits warehoused therein without [210.]

Regulation for charging duty on spirits warehoused.  
[1864, s. 7.]

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payment of duty, duty shall be charged and paid on the quantity of spirits contained in the cask or package at the time of delivery. But if the quantity at that time is less than the quantity originally warehoused, then, unless the Commissioners or the Commissioners of Customs, as the case may be, are satisfied that no part of the 5 deficiency is caused by fraudulent abstraction, duty shall be charged and paid on the quantity so warehoused, or on such portion thereof as such Commissioners direct.

In case of deficiency in spirits in a warehouse duty on quantity warehoused to be paid.

[1864, s. 8.]

78. (1.) If at any time any deficiency beyond that which can be accounted for by natural waste or other legitimate cause is found 10 in any cask or package of British spirits warehoused, the Commissioners or the Commissioners of Customs may require immediate payment of duty on the quantity of spirits originally warehoused in the cask or package.

(2.) If the person in whose name the spirits are warehoused 15 refuses, on written demand by an officer, or an officer of customs, to pay the duty, he shall forfeit *double the amount thereof*.

(3.) No spirits warehoused in his name shall be transferred or removed until the duty or forfeiture is paid.

Mode of calculating quantity of spirits warehoused.

[1864, s. 7.]

79. The quantity of spirits contained in any vat, bottle, vessel, 20 cask or package warehoused may be calculated by weight, measure, or gauge, as the Commissioners or the Commissioners of Customs may direct.

Payment of duty on delivery of spirits from Customs warehouse.

[1864, s. 11.  
1867, s. 3.]

80. Where British spirits are delivered from a Customs warehouse for home consumption, and in all cases where duty is payable 25 on such spirits in such warehouse, the duty payable shall be collected according to the laws and regulations for like spirits in an Excise warehouse by the officers of Customs under the direction of the Commissioners of Customs and paid into the Bank of England to the account of the Receiver General of Inland Revenue, 30 and dealt with as other duties of Excise.

Application of warehousing provisions to foreign spirits in an excise warehouse.

[1869, ss. 3-5,  
10.]

81. Where foreign spirits are delivered from an Excise warehouse for home consumption, the duty payable thereon shall be collected by an officer under the direction of the Commissioners according to the laws and regulations for like spirits in a Customs ware- 35 house, and paid into the Bank of England to the account of the Commissioners of Customs, and dealt with as other duties of Customs.

Removal from warehouse for exportation.  
[ss. 124-126, 138.  
1864, s. 3.]

82. (1.) The proprietor of spirits in a distillers or excise warehouse may, on giving notice and the prescribed bond, remove the 40 spirits for exportation without payment of duty.

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(2.) The notice must be delivered to the officer in charge of the warehouse not less than *twenty-four hours* before the time when the proprietor intends to ship the spirits, and must specify the mark, number, and capacity of each cask or package intended to  
5 be shipped, the number of gallons and strength of the spirits contained in each such cask or package, the time and place of the intended shipment, and the name or description and destination of the ship.

(3.) The officer may place any prescribed mark on each cask or  
10 package intended for exportation.

(4.) The bond given by the proprietor must, subject to the prescribed regulations, be conditioned that the spirits specified in the notice given from time to time shall be conveyed to the quay where the ship is lying, shall be put on board the ship, and shall  
15 (the danger of the seas or enemies excepted) be exported to and landed at the port specified in the notice, without alteration or change, and shall not be landed at any other place.

(5.) The spirits must be sent to the quay where the ship is lying, and delivered with the permit to the custody of the authorized officer  
20 of customs there, and must remain in his custody until shipped.

(6.) On shipment the officer of customs shall certify on the back of the permit the date of the shipment, the name of the ship, and the quantity of spirits, computed at proof, shipped, and shall send the permit to the collector of the collection from which  
25 the spirits were sent.

83. Spirits warehoused may, on the prescribed bond being given, subject to the prescribed regulations and subject to the conditions, regulations, and restrictions required by any Act in force for the  
30 stores. Removal from warehouse for ship's stores. [ss. 127, 138. 1864, s. 3.]

84. Spirits warehoused may, on the prescribed bond being given, subject to the prescribed regulations, be delivered out, without payment of duty, for methylation. Removal from warehouse for methylation. [s. 127.]

85. If a distiller, or proprietor of spirits, or proprietor or  
35 occupier of an excise warehouse, by himself or by any person in his employ or with his connivance, commits any of the following offences; (that is to say,) Offences with respect to warehousing. [s. 107. 1864, ss. 9, 10.]

(a.) Opens any of the locks or doors of a warehouse, or makes or obtains access into an excise warehouse, except in the  
40 presence of an officer acting in his duty as such; or

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- (b.) After the approval of a warehouse, makes any alteration therein or addition thereto without the previous consent of the Commissioners ; or
- (c.) Warehouses spirits in, or removes spirits from, a warehouse otherwise than is provided by this Act ; or 5
- (d.) By any contrivance or device privately removes or conceals any spirits either before or after they are warehoused, he shall incur a fine of *two hundred pounds* ; and all spirits warehoused, removed, or concealed in contravention of this section shall be forfeited. 10

Application of  
Customs Acts to  
British spirits in  
a Customs  
warehouse.  
[1864, ss. 3, 13.]

86. All the powers, provisions, regulations, and penalties contained in or imposed by any Act relating to the Customs as to the warehousing, custody, and delivery out of warehouse of goods liable to a duty of Customs, and as to any deficiencies therein or allowances thereon, shall, where applicable, be observed, applied, 15 enforced, and put into execution with reference to British spirits warehoused in a Customs warehouse, so far as the same are not superseded by and are consistent with the provisions of this Act.

#### Rectifiers.

Application to  
rectifiers of certain  
provisions relating  
to distillers.  
[ss. 15, 21-24, 26,  
27-29, 35-38, 64.]

87. The rules contained in the fourth, sixth, seventh, eighth, 20 ninth, and tenth parts of the First Schedule, with the corresponding penalties, and the provisions of this Act with respect to the following matters :—

- (a.) Alterations of vessels, utensils, and pipes ;
- (b.) Powers of Commissioners to allow use of additional or 25 substituted utensils and fittings ;
- (c.) Penalty for interference with and attempt to defeat gauging ;
- (d.) Penalties for frauds and offences in relation to vessels and utensils ; 30
- (e.) Making entry ;
- (f.) Unlawful hours for distilling ;
- shall apply to every rectifier as if he were a distiller.

Entry must be made by a rectifier before he begins to receive, rectify, or compound any spirits. 35

Rectifiers premises  
not to be within  
a quarter of a  
mile of a distillery.  
[s. 41.]

88. (1.) No person may make entry of or use for rectifying or compounding spirits, or for receiving or keeping spirits as a rectifier, any premises within *a quarter of a mile* of any premises entered or used for brewing or making wort or wash, or for distilling spirits, or for receiving or keeping spirits by a distiller. 40

(2.) If any person contravenes this section he shall incur a fine of *five hundred pounds* for every week during which the premises are so entered or used.

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5 **89.** (1.) A rectifier keeping a still may not carry on upon his premises the business of a brewer of beer or a maker of sweets, vinegar, cider, or perry, or a refiner of sugar, or a dealer in or retailer of wine.

Rectifier's premises not to be connected with the premises of a brewer, &c.  
[ss. 11, 42.]

10 (2.) No person may carry on the business of a rectifier keeping a still upon premises communicating otherwise than by an open public street or carriage road with any premises used by a brewer of beer or a maker of sweets, vinegar, cider, or perry, or a refiner of sugar, or a dealer in or retailer of spirits or a dealer in or retailer of wine.

15 (3.) If any person contravenes any of the foregoing provisions of this section he shall incur a fine of *two hundred pounds*.

(4.) The Commissioners may refuse to grant a licence for rectifying or compounding spirits on any premises in which from their situation with respect to a distillery they think it inexpedient to allow such business to be carried on.

20 **90.** (1.) A rectifier keeping a still must not have in his possession any wort, wash, fermented liquor, or materials capable of being distilled into low wines or spirits.

Restrictions on business of rectifier.  
[s. 149.]

(2.) No rectifier whatever may—

25 (a.) Distil or extract low wines or spirits from any material except spirits ; or

(b.) Have in his possession any spirits for which he has not received and delivered to the proper officer a permit or certificate ; or

30 (c.) Have in his possession any foreign spirits, except for the purpose of being rectified or compounded by him as spirits of wine or as British compounds.

35 (3.) If a rectifier contravenes this section, he shall for each offence, in addition to any other penalty, incur a fine of *five hundred pounds*, or, at the election of the Commissioners, of *twenty shillings* for every gallon of wort, wash, fermented liquor, or other materials or of the low wines or spirits in respect of which the offence is committed.

40 (4.) If a rectifier is convicted more than once of an offence against this section, his licence shall become void, and he shall, during *three years* from the date of the conviction, be incapable of holding a licence as a rectifier.

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Receipt of spirits  
by rectifier.

[s. 160.]

**91.** (1.) A rectifier must, on receipt of any spirits, give notice thereof to the proper officer, and deliver to him the permit or certificate received with the spirits.

(2.) Unless the officer neglects to attend within one hour after receiving the notice, the rectifier must not, until the officer has taken account of the spirits so received, break bulk or draw off any part of the spirits or add water or anything thereto, or in any respect alter the same, or tap, open, alter, or change any cask or package containing any such spirits. 5

(3.) If a rectifier contravenes this section he shall incur a fine of *two hundred pounds* and forfeit the spirits in respect of which the offence is committed. 10

Scheduled rules  
with respect to  
rectifiers.[ss. 150-155, 157,  
161.]

**92.** (1.) With respect to the business of a rectifier the rules in the Third Schedule must be observed.

(2.) For any contravention of the rules in the first part of the Third Schedule the rectifier shall incur a fine of *two hundred pounds*. 15

(3.) For any contravention of the rules in the second part of the Third Schedule the rectifier shall incur a fine of *one hundred pounds*.

(4.) For any contravention of the rule in the fourth part of the Third Schedule the rectifier shall incur a fine of *fifty pounds*, and the spirits in respect of which the offence is committed shall be forfeited. 20

Penalty for mixing  
wine or wash with  
spirits.

[s. 156.]

**93.** An officer may take a sample of the contents of a still of a rectifier at any time before it has begun to work, or after it has ceased working, and if there is found in the still any wine or wash put into or mixed with low wines, feints, or spirits, the rectifier shall, in addition to any other penalty, incur a fine of *five hundred pounds*. 25

Quality and quan-  
tity of spirits  
allowed to be  
removed from  
stock of rectifier.  
[s. 162.]

**94.** (1.) A rectifier must not send out any spirits except British compounds or spirits of wine, and must not send out any British compounds or spirits of wine in less quantity than *two gallons*. 30

(2.) If a rectifier contravenes this section, he shall, for each offence, incur a fine of *fifty pounds*; and all spirits sent out in contravention of this section, together with all horses, cattle, carriages, and boats made use of in conveying the same, shall be forfeited. 35

Account of stock,  
and penalty for  
excess or defi-  
ciency.

[ss. 158, 159.]

**95.** (1.) An officer shall from time to time take an account in the prescribed manner of the quantity and strength of the spirits in the stock of a rectifier, making allowance for the spirits for which certificates have been granted since the last account. 40

(2.) If a still is at work when the account is taken, all spirits produced from the charge of the still must be kept apart from the remainder of the stock until the account has been completed.

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(3.) If, on balancing the stock, any excess appears, a quantity of spirits, computed at proof, equal thereto shall be forfeited, and the rectifier shall incur a fine of *twenty shillings* for every gallon of such excess.

5 (4.) If, on balancing the stock, there is any deficiency not duly accounted for by spirits sent out with certificate, and exceeding *five per centum* on the balance struck when the account was last taken, together with the quantity since lawfully received, the rectifier shall incur a fine of *twenty shillings for every gallon* of such deficiency.

10 **96.** (1.) A rectifier may, subject to the provisions of this Act, and the prescribed regulations, warehouse in an excise or customs warehouse, for exportation or for ship's stores, or for home consumption, British compounds rectified or compounded by him from spirits on which duty has been paid, and not being British  
15 liqueurs or tinctures or medicinal spirits.

Power for rectifier to warehouse on drawback.

[1865A, ss. 1-5, 8. 1869, ss. 8, 9, 13. 1875, s. 10. 1878, s. 24.]

(2.) He may so warehouse for exportation or for ship's stores, but not for home consumption, British liqueurs, tinctures, or medicinal spirits compounded by him from spirits on which duty has been paid.

20 (3.) He may so warehouse, either for exportation or for ship's stores, but not for home consumption, spirits of wine rectified by him from spirits on which duty has been paid.

(4.) British compounds warehoused for home consumption must be of a strength not exceeding *eleven degrees* over proof.

25 (5.) British compounds and spirits of wine must be warehoused in casks either full or on ullage of one gallon or two gallons. All casks warehoused in any one year from the same premises must be numbered consecutively. The capacity of each cask must be not less than *nine gallons*, and there must be legibly cut, branded, or  
30 painted with oil colours on each end thereof—

(a.) The name and place of business of the rectifier :

(b.) The number of the cask and the year in which it is ware-  
housed :

35 (c.) The capacity of the cask in gallons, and, if the capacity is a less than eighty gallons, the quarter or quarters of gallon of capacity above the number of entire gallons :

(d.) The number of gallons, strength, and denomination of the  
spirits contained in the cask.

40 (6.) The rectifier must, before warehousing spirits, deliver to the  
officer in charge of the warehouse or the authorized officer of  
customs, a warehousing entry specifying—

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- (a.) The particulars of the spirits, as set forth in the certificate:  
(b.) The name of the rectifier :  
(c.) The place whence the spirits are sent :  
(d.) In the case of British liqueurs, or tinctures, or medicinal spirits, the number of gallons at proof of the spirits from 5 which the contents of each cask were compounded.

(7.) The strength of all spirits warehoused on drawback (except British liqueurs, or tinctures, or medicinal spirits) shall be deemed to be that ascertained by Sykes's hydrometer.

(8.) Where a cask contains British liqueurs or tinctures, or medicinal spirits, the officer shall take a sample from the cask ; and the sample shall be examined, under the direction of the Commissioners, or the Commissioners of Customs, by distillation or otherwise, and the strength as ascertained by the examination, less five degrees, shall, for the purposes of this Act, be deemed the true strength of 15 the contents.

(9.) When the officer has examined the spirits, he shall deliver to the rectifier a receipt specifying—

- (a.) The marks, numbers, and capacity of each cask warehoused ; and 20  
(b.) The number of gallons computed at proof, description, and strength of the spirits in each cask ; and  
(c.) The total number of gallons computed at proof received with the certificate.

(10.) The officer shall forthwith send to the collector of the 25 collection in which the rectifier's premises are situate a certificate setting forth the name of the rectifier, the situation of his premises, and the other particulars required to be inserted in the receipt.

(11.) The collector shall, on receiving *three days* written notice 30 of the time when payment is required, and on production of the receipt, pay to the rectifier, or to any person authorized by him, a drawback of the duties on the spirits warehoused.

(12.) Spirits warehoused for home consumption under this section may be delivered out for home consumption under the same rules 35 and regulations, and on payment of the same duty as spirits warehoused by a distiller.

(13.) Spirits warehoused for exportation or ship's stores under this section must not be delivered out otherwise than directly from the warehouse to the ship in which they are to be exported or used 40 as stores.

*Dealers and Retailers.*

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**97.** The first, second, and sixth rules contained in seventh part of the First Schedule and the rules contained in the eighth part thereof, with the corresponding penalties, and the provisions of this Act with respect to the following matters—

Application to dealers and retailers of certain provisions relating to distillers.  
[ss. 27-29, 31.]

(a.) Penalty for interference with or attempt to defeat gauging, and

(b.) Penalties for frauds and offences in relation to vessels and utensils,

shall apply to every dealer and retailer as if he were a distiller.

**98.** Every dealer and retailer must, in accordance with the prescribed regulations, make entry in writing, signed by him, of every building, room, place, fixed cask, vessel, and utensil intended to be used by him for keeping spirits, distinguishing each place or thing by a separate letter or number.

Dealers and retailers to make entry.  
[s. 164.]

**99.** (1.) There must be legibly cut, branded, or painted with oil colour on some conspicuous part of every fixed cask or other vessel used by a dealer or retailer for holding spirits in stock, and on the outside of both the ends of every moveable cask used by him for keeping or delivering spirits, the number of gallons which the cask or vessel is capable of containing.

Marking casks.  
[s. 166.]

(2.) Every cask or vessel which does not bear the capacity thereof so cut, branded, or painted shall be forfeited with the contents, and the dealer or retailer shall incur a fine of *fifty pounds*.

**100.** (1.) Where the strength of any spirits forming part of the stock of a dealer or retailer cannot be ascertained by Sykes's hydrometer, the dealer or retailer must, on being so required by an officer, cause the quantity and strength of the spirits to be legibly marked on the outside of the cask or vessel containing them.

Marking strength of certain spirits.  
[s. 167.]

(2.) Every cask or vessel which a dealer or retailer neglects or refuses, on being so required to mark, or fails to keep so marked or which is found to be untruly marked, shall be forfeited with the contents, and the dealer or retailer shall, for each offence, incur a fine of *fifty pounds*.

(3.) But a cask or vessel shall not be deemed to be untruly marked within the meaning of this section if the strength denoted by the mark corresponds with that expressed in the permit or certificate with which the spirits were received into stock, and no alteration has since been made in the spirits.

**101.** (1.) A distiller shall not be licensed to carry on the business of a dealer upon any premises within two miles from his distillery unless those premises are first approved by the Commissioners.

Restriction on grant of dealer's licence to distiller.  
[s. 178.]

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(2.) If a distiller carries on the business of a dealer on any approved premises within *two miles* from his distillery, no spirits shall be removed from such premises unless accompanied by a permit and if any spirits are removed without a permit he shall incur the same fine and forfeiture as if the removal had been from his spirit store. 5

Situation of  
dealer's and re-  
tailer's premises.  
[ss. 42, 179.]

**102.** (1.) A dealer or retailer must not carry on his business upon any premises communicating otherwise than by an open public street or carriage road with any premises entered or used by a distiller, or a rectifier keeping a still. 10

(2.) A retailer must not be concerned or interested in the business of a distiller, or of a rectifier keeping a still, carried on upon any premises within *two miles* from the premises on which he is licensed to carry on the business of a retailer.

(3.) If a dealer or retailer contravenes this section he shall for 15 each offence incur a fine of *two hundred pounds*.

Restrictions on sale  
by dealers and  
retailers.  
[ss. 165, 168.]

**103.** (1.) A dealer must not, unless he has an additional licence authorizing him so to do, or is also licensed as a retailer, sell, send out, or deliver spirits in any less quantity than *two gallons* of the same denomination at a time for the same person. 20

(2.) A retailer must not, unless he is also licensed as a dealer, sell, send out, or deliver spirits to a rectifier dealer or retailer, or buy or receive spirits from another retailer, not being also licensed as a dealer.

(3.) A dealer or retailer must not receive, send out, or have in his possession, any British spirits of any strength exceeding that at which a distiller may send out spirits of the like denomination. 25

(4.) If a dealer or retailer contravenes this section he shall for each offence incur a fine of *fifty pounds*, and in case of the spirits being of unlawful strength they shall be forfeited. 30

Penalty for excess  
in stock of dealer  
or retailer.  
[s. 176.]

**104.** (1.) An officer may at any time take an account of the quantity of spirits in the stock or possession of a dealer or retailer.

(2.) If the quantity of spirits computed at proof found on taking the account exceeds the quantity which ought according to the stock book of the dealer or retailer to be in his possession, the excess shall be forfeited and the dealer or retailer shall incur a fine of *twenty shillings* for every gallon of the excess. 35

Meaning of sale  
by retail.  
[30 Geo. 3. c. 38.  
s. 15.]

**105.** The sale of spirits in any quantity less than *two gallons* or less than *one dozen* reputed quart bottles shall be deemed sale by retail. 40

*Permits, Certificates, and Stock Books.*

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**106.** (1.) No spirits may be sent out or delivered from a distiller's store unless accompanied by a permit.

Spirits required to be accompanied by permit or certificate.

(2.) No spirits may be removed from a distiller's or excise warehouse unless accompanied by a permit.

[ss. 100, 114, 148, 171, 181, 182, 184. 24 & 25 Vict. c. 21. s. 2.]

(3.) No spirits may be removed from a Customs warehouse (the same not being under bond on removal from one such warehouse to another such warehouse) unless accompanied by a Customs certificate from an authorized officer of Customs.

10 (4.) No spirits may be sent out or delivered from the stock of a rectifier unless accompanied by a certificate.

(5.) No spirits may be sent out or delivered from the stock of a dealer unless accompanied by a certificate, except spirits not exceeding in quantity *one gallon* at a time sold by him under an additional licence or a licence to retail to a person not being a dealer or retailer.

(6.) No spirits exceeding in quantity *one gallon* of the same denomination at a time for the same person may be sent out or delivered from the stock of a retailer unless accompanied by a certificate.

20 (7.) Except as in this section is provided no spirits exceeding the quantity of *one gallon* of the same denomination at a time for the same person may be sent out, delivered, or removed from any one place to any other place unless accompanied by a permit.

(8.) All spirits found to have been sent out, delivered, or removed, or in course of being sent out, delivered, or removed in contravention of this section, together with all horses, cattle, carriages, and boats made use of in conveying the same, shall be forfeited, and every person in whose possession the same are found shall incur a fine of *one hundred pounds*, or at the election of the Commissioners or the Commissioners of Customs a fine equal to treble the value of the spirits.

(9.) If any question arises as to the accuracy of the description of spirits in a permit or certificate the proof that the spirits correspond to the description shall lie on the owner or claimant of the spirits, who shall prove the same by the oaths of two credible witnesses, being skilful and experienced persons competent to decide by examination thereof.

**107.** (1.) A permit shall be granted by the proper officer upon a request note signed by a distiller or other person requiring a permit and delivered to the officer.

Mode of obtaining permit.

[ss. 102, 181. 2 W. 4. c. 16. s. 5.]

(2.) The request note must contain the particulars specified in that behalf in the fourth Schedule.

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(3.) The permit must contain all the particulars specified in the request note, and shall be in force for such limited time only as may be mentioned in the permit.

(4.) A permit shall not be granted to a distiller for any less quantity of spirits than nine gallons contained in one cask, or if the spirits are bottled, for any quantity less than *five dozen* imperial or reputed quart bottles or *ten dozen* imperial or reputed pint bottles. 5

(5.) A permit shall not be granted for the removal of spirits from the stock of a distiller (except for spirits to be warehoused) unless the receipt for the duty on the spirits to be removed be produced with the request note. 10

(6.) The officer must endorse on the receipt the quantity of spirits for which the permit is granted and the date of the permit.

Penalties for  
removal of spirits  
without permit  
and fraudulent  
use of permit.  
[ss. 183, 186.]

108. (1.) If any person—

(a.) sends out, delivers, removes, or receives any spirits required to be accompanied by a permit without a permit; or 15

(b.) sends out, delivers, removes, or receives any spirits in quantity greater than, or differing in quality, denomination, or strength from that expressed in the permit accompanying the same; or 20

(c.) having obtained a permit, does not send out therewith the spirits therein described or return the permit to the proper officer within the time by law required; or

(d.) requests, obtains, or uses any permit, or causes or suffers any permit to be requested, obtained, or used for any purpose other than that of accompanying the removal and delivery of spirits therein described; or 25

(e.) produces, or causes or suffers to be produced to any person any permit as having been received with spirits other than those therein described; or 30

(f.) in any manner uses, or causes or suffers to be used, any permit so that any account of spirits kept or checked by an officer may be frustrated or evaded;

he shall, in addition to any other penalty or forfeiture, incur a fine of *35 five hundred pounds*.

(2.) Every permit used for any purpose other than that of accompanying the removal and delivery of the spirits for which it is granted and as therein expressed, shall be deemed to be a false permit, and any unlawful use thereof shall, in addition to any other penalty or forfeiture, subject the person using it to all penalties and forfeitures imposed by law upon any person for using a false permit. 40

(3.) If a distiller, rectifier, dealer, or retailer is convicted of an offence against this section he shall forfeit his licence, and no new

licence shall be granted to him for the remainder of the year for which such forfeited licence would have been in force. A.D. 1880.

109. (1.) Every rectifier, dealer, and retailer must by written request, obtain from the proper officer a certificate book containing 5 forms of certificates and counterfoils for which he must give a receipt. Certificate book.  
[s. 171.]

(2.) Before sending out or delivering any spirits required to be accompanied by a certificate, he must enter in one of these certificates, and in its counterfoil, the particulars specified in that behalf 10 in the Fourth Schedule, and must sign the certificate.

(3.) He must deliver the certificate with the spirits to the person to whom the spirits are entered in the certificate.

(4.) He must use the certificates in the order in which they are numbered in the certificate book.

15 (5.) He must keep the certificate book in his premises, open to inspection by any officer, and must allow any officer to make entry therein, or take any extract therefrom.

(6.) He must return the certificate book when it is exhausted, or on request, to the proper officer, who shall give a receipt for it.

20 110. (1.) If a rectifier, dealer, or retailer sends out, delivers, or receives any spirits required to be accompanied by a certificate without a certificate or accompanied by an inaccurate certificate, he shall for each offence incur a fine of *one hundred pounds*, and all spirits sent out, delivered, or received in contravention of this section 25 shall be forfeited. Penalties in  
case of  
removal of  
spirits without  
certificate.  
[ss. 171, 174, 183.]

(2.) A penalty shall not be incurred under this section by reason only of the spirits being in strength not more than *one per centum* above or *two per centum* below the strength expressed in the certificate.

30 111. (1.) If a rectifier, dealer, or retailer uses or suffers to be used any certificate taken from his certificate book, except for the removal of spirits from his own stock, or delivers or parts with any form of certificate without filling it up, as required by this Act, he shall for each offence incur a fine of *five hundred pounds*. Fraudulent use  
of certificate.  
[s. 173.]

35 (2.) If any person uses a certificate or form of certificate, whether filled up or not, so that the account of spirits kept or checked by an officer, or any examination of spirits by an officer, is or may be frustrated or evaded, he shall for each offence incur a fine of *five hundred pounds*.

40 (3.) If a rectifier, dealer, or retailer is convicted of an offence under this section, he shall forfeit his licence and no new licence shall be granted to him for the remainder of the year for which such forfeited licence would have been in force.

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Cancelling and  
delivery of permits  
and certificates.  
[ss. 174, 175.]

**112.** (1.) Every rectifier, dealer, and retailer must on receiving spirits accompanied by a permit or certificate, immediately cancel the permit or certificate in the prescribed manner, and must deliver the cancelled permit or certificate to the officer who first inspects his premises after the receipt thereof. 5

(2.) If any person contravenes this section he shall incur a fine of *fifty pounds*.

(3.) But no penalty shall be incurred for the failure to deliver a permit or certificate if it is proved that the failure is caused by the permit or certificate having been lost or destroyed more 10 than three months after the date thereof.

Stock book.  
[s. 170.]

**113.** (1.) Every rectifier, dealer, and retailer must provide himself with and keep a stock book according to a pattern to be obtained on application to the proper officer, and must, on receiving any spirits, and also on sending out or delivering any spirits required to 15 be accompanied by a certificate, enter in his stock book the particulars specified in that behalf in the Fourth Schedule.

(2.) He must make these entries at such times as an officer directs, or in the absence of any such direction before the expiration of the day on which the spirits are received, sent out, or delivered. 20

(3.) He must keep the stock book in his premises, open to inspection by any officer, and must allow any officer to make any entry therein or take any extract therefrom:

(4.) He must keep it open to such inspection for not less than *twelve months* after it is filled up. 25

Offences with  
respect to certi-  
ficate books, and  
stock books.  
[ss. 170-172.]

**114.** If a rectifier, dealer, or retailer—

(a.) fails to obtain, provide, keep, produce, or return a certificate book or a stock book as by this Act required, or to make therein respectively the entries by this Act required; or

(b.) hinders or obstructs any officer in examining a certificate 30 book or a stock book, or in making any entry therein or extract therefrom; or

(c.) cancels, alters, obliterates, or destroys any part of a certificate book or a stock book or any entry therein; or

(d.) makes a false entry in a certificate book or a stock book; 35 or

(e.) separates any certificate, or form of certificate, from its counterfoil without properly filling up the certificate and counterfoil, or except on the occasion of sending out or delivering spirits therewith; 40

he shall for each offence incur a fine of *one hundred pounds*.

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facture and for no other purpose, and that he will observe the provisions of this Act and the prescribed regulations.

Persons to whom  
methylated spirits  
may be supplied,  
by authorized  
methylator.

[1855, s. 9.  
1861, s. 4.]

122. An authorized methylator must not supply methylated spirits to any person except—

- (a) a retailer of methylated spirits, or
- (b) a person authorized to receive methylated spirits, or
- (c) if the methylator is a distiller, a rectifier authorized to methylate, or a person licensed to methylate.

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Place of methy-  
lation.

[1855, ss. 4, 6.  
1876A, s. 3.]

123. (1.) Spirits may be methylated in the following places—

- (a.) A building or room approved by the Commissioners and entered for the purpose by the methylator.
- (b.) A warehouse provided for the purpose by the Commissioners.
- (c.) An excise warehouse with the permission of the Commissioners.

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(2.) The Commissioners may charge for warehousing and labour at the rate of *one penny per gallon* per month for all spirits methylated or stored in a warehouse provided by them.

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Materials for and  
mode of methy-  
lation.

[1855, ss. 1, 4, 5.  
1876A, ss. 3, 4.]

124. (1.) The following and no other spirits may be used for methylation:

- (a.) Plain spirits of strength not less than *fifty per centum* above 20 proof, and unsweetened foreign spirits of like strength.

- (b.) Rum of strength not less than *twenty per centum* above proof.

(2.) The quantity of spirits used for methylation at any one time shall not be less than—

- (a.) In the case of British spirits, *four hundred and fifty gallons*;

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- (b.) In the case of foreign spirits in an Excise warehouse, the contents of the cask in which the spirits are imported.

(3.) The substance mixed with spirits for the purpose of methylation must be wood naphtha, or methylic alcohol in the proportion of not less than *one ninth* of the bulk of the spirits, or some other substance approved for the purpose by the Commissioners; and may, if the Commissioners think fit, be provided by them at the expense of the methylator.

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(4.) The substance must, before the mixing thereof, be examined and approved by an officer appointed in that behalf.

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(5.) Foreign spirits may not be used for methylation until the difference between the duty of customs chargeable thereon and the duty of excise chargeable on British spirits has been paid.

(6.) With respect to the removal of spirits and substances for methylation and the time and mode of methylation the prescribed

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- (e.) must not receive methylated spirits from a retailer of methylated spirits in a quantity exceeding one gallon at a time; and
- (f.) must not sell to or for the use of any one person more than one gallon of methylated spirits at a time; and 5
- (g.) must, on request, at all reasonable times produce his stock of methylated spirits for examination by an officer; and
- (h.) must keep an account, in the prescribed form, of his stock of methylated spirits and of the sale thereof.

If a retailer of methylated spirits contravenes this section he shall for each offence incur a fine of *fifty pounds* and the spirits with respect to which the offence is committed shall be forfeited. 10

Powers of entry, inspection, and sampling.  
[1855, s. 13.]

**128.** (1.) An officer may in the daytime enter and inspect the premises of an authorized methylator or a retailer of methylated spirits, or any premises of a person authorized to receive 15 methylated spirits, and inspect, examine, and take samples of any methylated spirits therein, paying a reasonable price for each sample.

(2.) If any person refuses to allow an officer to exercise any of these powers, he shall for each offence incur a fine of *fifty pounds*. 20

Unlawful supply of methylated spirits.  
[1855, ss. 8, 15, 1861, s. 5.]

**129.** (1.) If any person supplies, removes, or receives methylated spirits in contravention of this Act he shall for each offence incur a fine of *fifty pounds*, and the spirits with respect to which the offence is committed shall be forfeited.

(2.) If an authorized methylator supplies any methylated spirits 25 to any person after having received notice from the proper officer that the person to whom the spirits are supplied is not authorized to receive them, he shall pay on the spirits so supplied the duty payable on British spirits.

Unlawful possession of methylated spirits.  
[1855, s. 16.]

**130.** If any person— 30

(a) being an authorized methylator, has in his possession any methylated spirits in any place where he is not authorized to keep them; or

(b) not being an authorized methylator, has in his possession any methylated spirits not obtained from a person authorized to supply them, 35

he shall incur a fine of *one hundred pounds*, and the spirits with respect to which the offence is committed shall be forfeited.

Preparation, sale, or use of methylated spirits as or for a beverage or medicine.  
[1861, s. 6. 1866, s. 8.]

**131.** (1) If any person—

(a) prepares or attempts to prepare any methylated spirits for use 40 as or for a beverage or as a mixture with a beverage; or

(b) sells any methylated spirits, whether so prepared or not, as or for a beverage, or mixed with a beverage; or

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(c) uses any methylated spirits or any derivative thereof in the preparation of any article capable of being used wholly

5 or partially as a beverage, or internally as a medicine; or

(d) sells or has in his possession any article in the preparation of which methylated spirits or any derivative thereof has been used,

10 he shall for each offence incur a fine of *one hundred pounds*, and the spirits with respect to which the offence is committed shall be forfeited.

(2.) Nothing in this section shall apply to the use of methylated spirits, or any derivative thereof, in the preparation of sulphuric ether or chloroform, for use as a medicine, or in any art or manufacture, or prevent the sale or possession of any sulphuric ether or chloroform for such use.

132. Where methylated spirits have been mixed with gum resin for forming any article, if any person separates the gum resin from the spirits, or alters the article in any way except by adding gum resin, or by adding a substance for the sole purpose of colouring, he shall for each offence incur a fine of *two hundred pounds*, and forfeit the spirits and article with respect to which the offence is committed.

Offences with respect to methylated spirits mixed with gum resin. [1866, s. 9.]

133. The Commissioners may suspend or revoke any licence to methylate, authority, or approval granted under this part of this Act.

Power to revoke licence, &c. [1865, s. 14.]

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## PART III.

## SUPPLEMENTAL.

*Purified Methylic Alcohol.*

134. (1.) Any liquid containing methylic alcohol so purified or otherwise prepared by filtration or any other process as to be free wholly or partially from any flavour or odour which would otherwise pertain to it shall be deemed to be low wines, and to have been so prepared for the purpose of distilling spirits therefrom, and shall be chargeable with duty and otherwise subject to the regulations to which spirits are subject under Part I. of this Act.

Purified methylic alcohol to be deemed low wines. [1865, ss. 27-29.]

35 (2.) Provided that the Commissioners may, if they think fit, dispense with or modify those regulations with respect to any such preparation.

*Sykes's Hydrometer.*

135. All spirits shall be deemed to be of the strength denoted by Sykes's hydrometer as ascertained by any officer or any officer of [210.] F 2

Strength of spirits to be ascertained by Sykes's hydrometer. [58 Geo. 3. c. 28.]



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Customs in accordance with the table lodged with the Commissioners, and entitled a table of the strength of spirits denoted by Sykes's hydrometer.

*Scales, Weights, Measures, Locks, and Fastenings.*

Excise traders to provide scales, weights, and measures.

[s. 189.]

**136.** (1.) Every excise trader must provide sufficient and just 5 scales and weights, and a set of standard measures for the purpose of weighing, measuring, and taking an account of the spirits, goods, and commodities in his warehouse, stock, or possession, and of any casks or vessels used for the purpose of containing any such spirits, goods, or commodities. 10

(2.) The weights and measures must be of the prescribed denominations.

(3.) The excise trader must maintain and keep the scales, weights, and measures in such proper and convenient place in his distillery, warehouse, or other premises as the proper officer 15 approves, and so that the same shall be at all times ready for the use of officers.

(4.) The excise trader must permit any officer to use the scales, weights, and measures for the purpose aforesaid, and must, with his servants and workmen, whenever required by any officer, weigh or 20 measure, and assist him in weighing or measuring, as he requires, and in taking account of any such spirits, goods, or commodities as aforesaid.

(5.) For any refusal or neglect on the part of an excise trader to comply with any of the foregoing provisions of this section he shall 25 incur a fine of *one hundred pounds*.

(6.) If any excise trader provides or uses or permits to be used any false, unjust, or insufficient scales or weight or measure, or practises any device or contrivance by which any officer may be prevented from, or hindered or deceived in taking the just and true 30 quantity, weight, or measure of any spirits, goods, or commodities, or of any casks or vessels, he shall incur a fine of *two hundred pounds*, and any such scales, weights, and measures shall be forfeited.

Locks and fastenings.  
[s. 190.]

**137.** (1.) Where any warehouse, room, place, vessel, utensil, or fitting belonging to any excise trader is by this Act directed to 35 be secured or locked, the excise trader must to the satisfaction of the proper officer, provide, affix, repair, and renew all fastenings requisite for the purpose of enabling officers to affix locks thereto, or otherwise to secure the same.

(2.) If the excise trader fails so to do the proper officer may 40 provide, affix, repair, or renew the fastenings, and the expense thereof shall be paid on demand by the excise trader.

(3.) If the excise trader fails on demand to pay the expense he shall incur a fine of *one hundred pounds*.

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(4.) All requisite locks or keys shall be provided by the Commissioners, at the expense of the revenue.

- 5 (5.) If any excise trader, or his servant or workman, wilfully destroys or damages any such fastening, or any lock or key belonging thereto, or any lock label, or opens or removes any lock, fastening, or lock label, or improperly obtains access into any warehouse, room, place, vessel, utensil, or fitting, or has any fastening, vessel, utensil, 10 or fitting so constructed that the security intended to be obtained by any lock or fastening may be defeated, the excise trader shall incur a fine of *five hundred pounds*.

#### *Powers of Officers.*

- 15 **138.** (1.) An officer may, at any time, either by day or by night, enter any part of the premises of, or house or place whatsoever belonging to or made use of by, a distiller or rectifier, and search for, examine, gauge, and take an account of any still or other vessel or utensil therein, and also any spirits or materials for the manufacture of spirits therein.

Power of entry  
and examination  
by officers.  
[ss. 44, 45.]

- 20 (2.) If an officer, after having demanded admission into the premises of a distiller or rectifier and declared his name and business at any entrance or window thereof, is not immediately admitted, the officer, and any person acting in his aid, may at any time, either by day or by night (but at night only in presence of an 25 officer of the peace), break open any door or window of the premises, or break through any wall thereof, for the purpose of obtaining admission, and the distiller or rectifier shall incur a fine of *two hundred pounds*.

- 30 **139.** Every distiller or rectifier must, on demand by an officer, made on the premises, either by day or by night, and for the purpose of enabling him to search for, examine, gauge, or take an account of any vessel, utensil, spirits, or materials therein, provide ladders of sufficient length and strength, and place them firmly and conveniently, and supply sufficient lights and aid.

Supply of ladders  
and lights.  
[s. 46.]

- 35 If a distiller or rectifier contravenes this section he shall for each offence incur a fine of *one hundred pounds*.

- 140.** Any officer, or person acting in his aid, may, either by day or by night, for the purpose of searching for any pipe, cock, conveyance, or utensil, break up the ground in or adjoining or near 40 the premises of a distiller or rectifier, or any wall or partition of his

Power to search  
for pipes, &c.  
[s. 47.  
10 W. 3. c. 4.  
s. 5.]

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premises or any other place, and may, on finding any pipe or conveyance leading to or from the premises, break up or break any ground, house, wall, or other place through or into which the pipe or conveyance leads, and may break up or cut away any such pipe or conveyance, and turn any such cock, and examine whether any such pipe or conveyance conveys or conceals any spirits or any liquor used in the manufacture of spirits, so as to prevent a true account thereof from being taken. 5

If any damage is done in the search and such search is unsuccessful the damage shall be made good. 10

Power to enter  
and search for  
illicit stills and  
spirits.

[s. 48.]

10 W. 3. c. 4.  
s. 8.]

**141.** (1.) If any officer or any officer of customs makes oath that there is good cause to suspect that any still, vessel, utensil, spirits or materials for the manufacture of spirits is or are unlawfully kept or deposited in any house or place, and states the grounds of suspicion, any justice may, if he thinks fit, issue a warrant authorizing the officer and any person whom he calls to his assistance to search the house or place; and a like warrant may be issued by any two of the Commissioners in case the house or place is situate within the limits of the chief office of Inland Revenue. 15

(2.) Any person so authorized may, either by day or by night, but at night only in the presence of an officer of the peace, break open and forcibly enter any such house or place, and seize any still, vessel, utensil, spirits, or materials for the manufacture of spirits found therein, and either detain the same or remove them to a place of safe custody. 20 25

(3.) Every still, vessel, or utensil, and all spirits and materials so seized shall be absolutely forfeited, and the owner of any such still, vessel, or utensil, or the person in whose custody the same is found, shall for every place in which the same is found, and also for every such still, vessel, or utensil incur a fine of *two hundred pounds*. 30

(4.) If any damage is done by such forcible entry, and the search is unsuccessful, the damage shall be made good.

(5.) An officer may seize any such still, vessel, utensil, spirits, or materials without a warrant.

Power to enter  
premises of dealer  
or retailer and  
examine and take  
samples.

[s. 176.]

Distillers, &c. to  
assist in taking  
account.

[s. 177.]

**142.** An officer may at any time enter the premises of a dealer or retailer and inspect and examine the spirits in his stock or possession, and take samples of any such spirits, paying for any sample so taken the usual price thereof. 35

**143.** Every distiller, rectifier, dealer, and retailer must, when required by an officer, assist him by a sufficient number of servants in taking account of his stock, and shall for any neglect or refusal so to assist incur a fine of *fifty pounds*. 40

144. (1.) An officer may require a distiller at any time when his still is not at work, to cause the water in any worm tub in his distillery to be drawn off, and the tub and worm to be cleansed.

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Power to require  
water to be drawn  
off from worm  
tub.

(2.) In such case the water must be kept out of the worm tub for two hours, or until the officer has finished his examination of it, whichever first happens.

[s. 34.]

(3.) If a distiller fails to comply with any requirement under this section he shall incur a fine of *two hundred pounds* and the officer may draw off the water or any portion of it, and keep it drawn off as long as he thinks necessary.

#### General Offences.

145. (1.) If any person removes any malt, wort, wash, low wines, feints, or spirits from the premises of a distiller, contrary to the provisions of this Act, or knowingly buys or receives any malt, wort, wash, low wines, feints, or spirits so removed from the premises of a distiller, he shall incur a fine of *one hundred pounds*.

Unlawful removal  
of malt, wort, or  
wash.  
[ss. 61, 63.]

(2.) In default of payment of the fine on summary conviction the offender shall be imprisoned with or without hard labour. The term of imprisonment in Scotland or Ireland shall be not less than *two months* nor more than *six months*.

(3.) All such malt, wort, wash, low wines, feints, or spirits so removed shall be forfeited.

(4.) Any officer may arrest any person found committing an offence against this section.

146. (1.) Any officer or any officer of customs, and any officer of the peace having a commission from the Commissioners, may stop and detain any person found carrying or removing any spirits, and may examine the spirits and require the production of a permit or certificate authorising the removal thereof.

Arrest of and  
penalties on  
persons unlawfully  
removing spirits.  
[s. 185.]

(2.) If a permit or certificate is produced agreeing with the spirits in all respects the officer may endorse thereon the time and place of his examination thereof.

(3.) If any person is found carrying or removing any spirits exceeding the quantity of one gallon of the same denomination for the same person and does not, on request by any such officer, forthwith produce a permit or certificate authorizing the removal of the spirits, he shall incur a fine of *one hundred pounds*, and the spirits shall be forfeited.

(4.) The sum to which the fine may be mitigated in Scotland or Ireland shall not be less than *ten pounds*.

(5.) In default of payment of the fine on summary conviction the offender shall be imprisoned with or without hard labour. The term of imprisonment in Scotland or Ireland shall be not less than *one month* nor more than *six months*.

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(6.) Any officer may arrest any person found committing an offence against this section.

Unlawful hawk-  
ing and sale of  
spirits.

[ss. 195-197.  
1861, s. 20.]

**147.** (1.) If any person hawks, sells, or exposes to sale any spirits otherwise than in premises for which he is licensed to sell spirits he shall incur a fine of *one hundred pounds*, and the spirits 5 shall be forfeited.

(2.) The sum to which the fine may be mitigated in Scotland shall not be less than *twenty-five pounds*, or, in Ireland, shall not be less than *six pounds*.

(3.) In default of payment of the fine on summary conviction 10 the offender shall be imprisoned with or without hard labour. The term of imprisonment in Scotland or Ireland shall be not less than *two months* nor more than *three months*.

(4.) Any person may arrest a person found committing an offence against this section. 15

Sale of spirits  
for unlawful  
purposes.  
[s. 191.]

**148.** If any person knowingly sells or delivers, or causes to be sold or delivered, any spirits to the end that they may be unlawfully retailed or consumed or carried into consumption, he shall, in addition to any other penalty, incur a fine of *one hundred pounds*. 20

Unlawful pur-  
chase of spirits.  
[s. 180.]

**149.** If any person receives, buys, or procures any spirits from a person not having authority to sell or deliver the same, he shall incur a fine of *one hundred pounds*.

Penalty for  
possession of  
spirits on which  
duty has not been  
paid.  
[s. 192.]

**150.** If any person knowingly buys or receives, or has in his possession any spirits after they have been removed from the place 25 where they ought to have been charged with duty and before the duty payable thereon has been charged and paid or secured to be paid or the spirits have been condemned as forfeited, he shall forfeit the spirits and incur a fine equal to *treble the value of the spirits*. 30

Forcibly opposing  
execution of Act.  
[s. 200.]

**151.** A person shall incur a fine of *five hundred pounds* if he commits any of the following offences :

(a.) Assaults an officer acting under this Act, or any person acting in his aid.

(b.) Assaults any person who has discovered or given, or is 35 about to discover or give information or evidence against, or has seized, or is bringing to justice, any offender against this Act.

(c.) Assaults any person who has seized or is about to seize or examine any goods as forfeited under this Act. : 40

(d.) Forcibly opposes the execution of any of the powers given

- (e.) Being armed with an offensive weapon, or in a violent manner, rescues any offender arrested or goods seized under this Act, or prevents the arrest of any such offender or seizure of any such goods, or offers or threatens to oppose the execution of any of the powers given by this Act.

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- 152.** Every person shall incur a fine of *five hundred pounds* who, in or with reference to any matter under the laws of excise relating to the duties on spirits,
- 10 (a) Not being authorised so to do, gives or promises to give, directly or indirectly, any reward to an officer or a person employed by the Commissioners, in respect of the performance or non-performance by any such officer or person of his duty or employment; or
- 15 (b) Agrees with or proposes to any such officer or person to do or permit to be done anything in contravention or evasion of this Act, or of his duty; or
- (c) Being an officer or a person employed by the Commissioners—
- 20 (i) demands or receives, except from or through the Commissioners, any reward in respect of the performance or non-performance of his duty or employment, or
- 25 (ii) by any wilful act, neglect, or default does, or permits, or agrees to do or permit anything in contravention or evasion of this Act or of his duty.

Misconduct of and collusion with officers.

[4 Geo. 4. c. 94. s. 133.  
6 Geo. 4. c. 80. s. 145.]

If any such officer or person is convicted of either of these offences he shall be thereafter disqualified from serving Her Majesty in any office or employment.

- 30 **153.** If any person by himself or by any person in his employment obstructs, hinders, or molests an officer or an officer of customs in the execution of his duty, or any person acting in the aid of any such officer, he shall incur a fine of *two hundred pounds*, and if the offender is a distiller the Commissioners may, upon his
- 35 conviction, suspend or revoke his licence.

Obstruction of officers.

[ss. 12, 44, 48.  
10 W. 3. c. 4, s. 8.]

- 154.** If any officer of the peace wilfully refuses or neglects to aid in the execution of this Act he shall, on summary conviction, incur a fine of *twenty pounds*.

Neglect of duty by officer of the peace.

[s. 201.]

- 155.** (1.) Where any spirits or goods are forfeited under this Act they may be seized by an officer or an officer of customs.
- 40 [210.]

Provisions as to forfeiture.

[s. 48 and other sections.]

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(2.) Where any spirits or materials for making spirits are forfeited under this Act, all casks or other utensils containing the same shall also be forfeited.

(3.) Where any spirits are forfeited by an excise trader, the Commissioners may, if they think fit, take from his stock, 5 instead of the spirits forfeited, the same quantity of any other spirits.

*Informers.*

Discharge and  
reward of in-  
formers.

[ss. 198, 199.  
4 Geo. 4. c. 94.  
s. 153.  
6 Geo. 4. c. 53.  
s. 145.]

**156.** (1.) On the commission of any offence against this Act, the offender who, before any information is lodged against him in 10 respect of the offence, first discovers and informs against any other offender, shall, on the conviction of the person against whom the information is given, be discharged and acquitted from all penalties or disqualification to which at the time of giving the information he may be liable by reason of the offence committed by him. 15

(2.) When, on the conviction of any person for an offence against this Act, the pecuniary penalty imposed for the offence is not paid and cannot be levied, or the person incurring the penalty is sent to prison in default of payment, the Commissioners may cause such reward as they think fit, not exceeding in each case *fifty pounds*, to 20 be paid in such shares and proportions as they think fit to the persons who appear to the Commissioners to be entitled thereto as informers.

*Procedure.*

Recovery of  
fines.

**157.** Any fine for any offence against this Act may be sued 25 for and recovered, and any goods, chattels, or commodities forfeited under this Act may be returned for condemnation and condemned in the manner provided by law for the recovery of fines or penalties and for the condemnation of goods forfeited under any Act or Acts for the time being in force relating to the revenue of excise or 30 customs.

*Forms and Schedules.*

Forms of notices,  
and documents.

[s. 4.]

**158.** (1.) The several entries, notices, declarations, books, accounts, and returns under this Act shall be in the prescribed form. 35

(2.) But in any proceeding for an offence against this Act against an excise trader any notice given or declaration made by him or on

his behalf shall be valid as against him, notwithstanding any imperfection or defect in the form thereof, or in the giving, making, or service thereof.

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**159.** All permits, certificates, forms of requisition, and other documents under this Act shall, subject to the provisions of this Act, be granted, obtained and used, under and in accordance with the provisions of any Acts of Parliament regulating the granting and using of permits and certificates, and the provisions of those Acts with respect to permits, certificates, and other similar documents granted, obtained, or used thereunder, shall apply to permits, certificates, and other similar documents granted, obtained, or used under this Act, and to the persons granting, obtaining, or using them.

Application of previous Acts to permits, &c. under this Act. [1855, s. 11. s. 188.]

**160.** The Commissioners and the Commissioners of Customs respectively shall prescribe such regulations as they may from time to time think necessary for carrying into execution the provisions of this Act.

Regulations to be prescribed.

**161.** The Schedules shall be construed and have effect as part of this Act.

Effect of schedules.

**162.** Where any enactment or document refers to any Act or enactment repealed by this Act, it shall be construed as referring to this Act, or to the corresponding enactment of this Act.

Construction of Acts, &c. referring to repealed enactments.

#### *Savings and Repeal.*

**163. (1.)** The sections of this Act which prohibit the use of a distillery within a quarter of a mile from the premises of a rectifier and the use of rectifier's premises within a quarter of a mile of a distillery shall not apply to any premises which on the *fifth day of April one thousand eight hundred and twenty-five* were entered and used by a distiller or rectifier if those premises have been so entered and used continuously since, and so long as they continue to be so entered and used, provided that there is not between the premises of the distiller and those of the rectifier any communication by which wort, wash, or spirits may be removed from the one to the other except an open public street or carriage road.

Saving with respect to premises entered on 5th April 1825. [ss. 41, 42.]

**(2.)** Nothing in this Act shall prevent the use by a distiller or rectifier, under and in accordance with a special licence granted by the Commissioners of the Treasury, of any premises which on the *fifth day of April one thousand eight hundred and twenty-five* were entered and used by a distiller or rectifier, and which have continued to be so entered and used up to the commencement of this Act until the expiration or revocation of such licence.

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Saving for  
articles in use  
before 28th August  
1860.

[s. 33.]

**164.** Nothing in this Act shall prevent the Commissioners from permitting any distiller or rectifier formerly working under any Act in force before the *twenty-eighth day of August one thousand eight hundred and sixty*, and having worked continually since, to keep or use such of the vessels or casks then fixed or used on his premises as are, in the judgment of the Commissioners, secure and adapted to the purposes for which they are required under this Act. **5**

Repeal of Acts  
in Schedule.

**165.** The enactments specified in the Fifth Schedule are hereby repealed, from and after the commencement of this Act, to the extent specified in the third column of that Schedule. **10**

Provided that all existing bonds and securities given under or in pursuance of any enactment hereby repealed shall have the same force and effect as if they had been given under or in pursuance of this Act, and this repeal shall not affect—

- (a) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; nor **15**
- (b) any right or privilege acquired, or duty or liability imposed or incurred under any enactment so repealed; nor
- (c) any fine, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before the commencement of this Act against any enactment so repealed; nor **20**
- (d) the institution or prosecution to its termination of any legal proceeding or other remedy for ascertaining any such liability, or enforcing, or recovering any such fine, forfeiture, or punishment as aforesaid. **25**

## SCHEDULES.

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### FIRST SCHEDULE.

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#### RULES AS TO VESSELS AND UTENSILS.

##### FIRST PART.

##### 5 VESSELS TO BE ERECTED BEFORE MAKING ENTRY BY A DISTILLER.

The following vessels must be erected after the distiller's licence has been [s. 14.] obtained, and before entry of a still is made, and must thereafter be kept during the continuance of the distiller's licence:—

10 *a.* If the still is of such kind that the produce of the wash on the first distillation is spirits and feints,—

1 wash charger.

1 feints receiver.

1 spirit receiver.

15 *b.* If the still is of such kind that the produce of the wash on the first distillation is low wines, then, in addition, —

1 low wines receiver.

1 low wines and feints charger.

##### SECOND PART.

##### MAXIMUM NUMBER OF VESSELS IN DISTILLERY

20 There must not be kept in any distillery any vessel of the description herein- [ss. 14, 20, 85.] after mentioned in excess of the number herein-after specified in that behalf.

1 wash charger.

1 spirit receiver.

2 feints receivers.

25 2 low wines receivers.

2 low wines and feint chargers.

In connexion with each charger, one intermediate still charger.

30 But a distiller may keep two spirit receivers, if he affixes to each of them, to the satisfaction of the Commissioners, an apparatus for preventing the supply cock and the discharge cock being both open at the same time, and for registering the number of times each cock has been opened.

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## THIRD PART.

## CONSTRUCTION AND CONNEXION OF VESSELS IN DISTILLERY.

*Fermenting Back.*

[s. 25.]

1. There must be fixed in every fermenting back, to the satisfaction of the proper officer, a discharge cock or plug and plug-hole, through which 5 the wash in the back may be conveyed by a main pipe or open trough into the jack back or wash charger.

2. This pipe or trough must be so placed and fixed that all wash or liquor put therein be forthwith discharged into the jack back or wash charger, and not elsewhere. 10

3. There may be placed in a fermenting back a close metal pipe for conveying through the back hot or cold air or water to promote or retard the fermentation of the wort or wash, but this pipe must not open into the back.

4. Except as aforesaid, and except the pipe for conveying wort into the 15 fermenting back from the coolers, and a sewer cock or plug for carrying off the water wherewith the back is cleansed, there must not be any pipe or conveyance entering into or passing out of the back.

*Wash Charger.*

[s. 15.]

5. The wash charger must be of capacity not less than half that of the largest 20 fermenting back.

6. It must be connected with the fermenting backs by one close metal pipe, with one end fixed into the pump placed in the jack back, or if a jack back is not used, into the pipe or trough communicating with the fermenting backs, and the other end into the wash charger. 25

7. It must be connected with the wash stills by one close metal pipe, with a branch to each still, or to the intermediate still chargers.

8. It may be connected with the feints receiver by means of a close pump or metal pipe.

9. There must be a cock on each of these connecting pipes. 30

*Low Wines Receiver.*

[s. 15.]

10. A low wines receiver must be connected with the safe at the end of the worm of the wash still by one close metal pipe, attached to and leading directly from the safe in such manner that all low wines running from the safe into the pipe shall immediately be discharged into the receiver, and must have fixed in 35 it a pump or discharge cock for the conveyance of low wines into the low wines and feints charger.

*Feints Receiver.*

[s. 15.]

11. A feints receiver must be connected with the safe at the end of the worm of the still by one close metal pipe attached to and leading directly from 40 the safe, in such manner that all feints running from the safe into the pipe shall immediately be discharged into the receiver, and must have fixed in it a pump or discharge cock for the conveyance of feints into the low wines and feints charger, or wash charger, or intermediate still charger,

*Low Wines and Feints Charger.*

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12. A low wines and feints charger must be connected with the still by a [s. 15.] close metal pipe with a cock thereon, one end of the pipe being fixed into the bottom of the charger, and the other attached to the pump or to the still, and the 5 charger must be connected with the low wines receiver and feints receiver by close metal pipes, whereof one end must be fixed into the charger, and the other end attached to the pump or discharge cock fixed in each receiver.

*Spirit Receiver.*

13. A spirit receiver must be connected with the safe at the end of the [s. 15.] 10 worm of the still by one close metal pipe attached to and leading directly from the safe in such manner that all spirits running from the safe into the pipe shall immediately be discharged into the receiver.

14. There must be fixed in it either a pump or a proper discharge cock for drawing off the spirits from it, and conveying the same through one close metal 15 pipe into the entered cask or vat in the spirit store.

*Spent Lees Receiver.*

15. A spent lees receiver must be connected with the low wines still by one [s. 15.] close metal pipe with a cock thereon fixed into the receiver, and attached to and leading directly from the discharge cock of the still. In the bottom of the 20 receiver there must be a discharge hole with a secure internal plug. At not more than one-third of its depth from the top there must be an opening covered and secured by a metal plate perforated with holes of not more than four-tenths of an inch in diameter.

*Intermediate Still Charger.*

- 25 16. An intermediate still charger must have one fixed pipe with a cock [s. 15.] thereon leading from the wash charger or low wines and feints charger, one fixed discharge pipe with a cock thereon leading to the still, and may have one pipe with a cock thereon leading from the feints receiver, and one pipe leading from the water cistern.

30

*Store Casks or Vats.*

17. Every store cask or vat must be a close covered vessel, and must be [s. 17.] secured with fastenings to the satisfaction of the proper officer.

*General.*

18. Every wash charger, low wines receiver, feints receiver, low wines and [s. 15.] 35 feints charger, spirit receiver, spent lees receiver, and intermediate still charger, must be a close covered vessel, and, except as above specified, must not have any opening, or communication with any other vessel or utensil.

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## FOURTH PART.

## CONSTRUCTION AND FITTINGS OF STILL.

[ss. 21-24.]

1. In every still there must be an opening to enable an officer to take gauges and samples. This opening must be not less than two inches in diameter, and must be so contrived that the officer may take samples from the still with a phial drawn perpendicularly through it. 5
2. Proper fastenings must be provided for locking and securing this opening, and for securing the head of the still, the furnace door thereof, and any cock or valve on any pipe conveying steam into or about the still.
3. A still and its worm may have an air valve or conductor approved by the Commissioners. 10
4. The end of the worm must be enclosed and secured in a safe in the prescribed manner.
5. There must be fixed to every still a discharge cock not more than three feet distant from the body of the still, and firmly attached to the still by a close metal pipe. This discharge cock must be so placed as to be easily accessible to the officer. 15
6. If there is not a spent lees receiver, the discharge cock on a low wines still must be kept securely locked by the officer, except when opened by him on reasonable notice given by the distiller. Such notice must not be given more than once in six hours. 20
7. Except as permitted or required by this Act, there must be no pipe leading directly or indirectly to or from a still, and no opening into or out of a still or the worm of a still.

## FIFTH PART.

25

## SPIRIT RECEIVERS.

[ss. 18-20.]

1. Every spirit receiver must be made, placed, and fixed to the satisfaction of the Commissioners.
2. It must be of a depth sufficient to admit of the gauge of spirits being taken of the depth of fifteen inches at least at the dipping hole. 30
3. It must be so filled with spirits that at the time of gauging it for the purpose of charging duty the depth of spirits is not less than fifteen inches.
4. But where a spirit receiver was in use in a distillery before the 10th of October 1853, the Commissioners may allow its use, though the spirits distilled are insufficient to fill it to the depth of fifteen inches, and that where the depth of spirits in a spirit receiver is less than fifteen inches the charge of spirits therein shall be made according to the gauge indicated by the next tenth of an inch above the actual depth, and in respect of this excess in gauge the distiller shall be allowed a deduction of one half of a gallon in every hundred gallons charged. 40
5. Every distiller must, if so required by the Commissioners, erect and apply, at his own expense, any apparatus or machine which the Commissioners think proper for preventing the supply cock and the discharge cock of the spirit receiver being both open at the same time, and for registering the number of times each cock has been opened. 45

## SIXTH PART.

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## PIPES, COCKS, AND VALVES.

1. Every pipe used by the distiller must, unless used exclusively for the discharge of water and spent wash, be so fixed and placed as to be capable of being examined for the whole of its length. [ss. 26, 38.]

2. The pipes must be painted and kept painted as follows:—

If for the conveyance of—

	Wort or wash	-	-	-	-	red.
	Low wines or feints	-	-	-	-	blue.
10	Spirits	-	-	-	-	black.
	Water	-	-	-	-	white.

3. Every cock and valve kept or used by the distiller must be constructed in the prescribed or approved manner.

## SEVENTH PART.

15

## DIPPING HOLES.

1. At or near the top of every entered cask or vat for storing or keeping spirits on the premises of a distiller, there must be a dipping hole at which an officer may conveniently take his dip or gauge of the contents of the vessel. [ss. 15, 29-31.]

2. A metal plate must be fixed at the dipping hole to secure it from being worn or altered. 20

3. Every charger and receiver must have a sufficient cover with a dipping hole cut in it of the prescribed form and size.

4. If the Commissioners so direct, there must be two or more dipping holes in the cover of any spirit receiver or store cask or vat used in a distillery, at such places in the cover as they direct. 25

5. Each dipping hole in a spirit receiver, low wines or feints receiver or charger, store cask, or vat, must be secured and kept secured to the satisfaction of the officer.

6. No alteration must be made in the dipping hole or level of any vessel or utensil. 30

## EIGHTH PART.

## PROVISION AND SITUATION OF ARTICLES REQUIRED OR ALLOWED.

1. Every distiller must, at his own expense, and to the satisfaction of the Commissioners, provide, place, affix, and maintain each utensil and fitting allowed or required by this Act. 35

2. Every distiller must, to the satisfaction of the Commissioners, place and keep each vessel and utensil on his premises in a convenient situation, and so as to be easy of access to the officer.

## NINTH PART.

40

## CASKS.

Every distiller must legibly cut, brand, or paint with oil colour on the outside of both the ends of every moveable cask used in his premises for keeping or

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delivering spirits, and keep so cut, branded, or painted, his name, the name of the place where his stock is kept, and the number of gallons which the cask is capable of containing, and, if that number is less than eighty, the quarter or quarters of a gallon of capacity above the number of entire gallons.

## TENTH PART.

5

## MARKING UTENSILS AND ROOMS.

[s. 36.]

1. Every distiller must cause to be legibly painted with oil colour, and must keep so painted, on some conspicuous part of every vessel or utensil intended to be used by him in his business, and of the outside of the door of every room and place wherein any part of his business is to be carried on or any spirits are to be kept, the name of the vessel, utensil, room, or place, according to the purpose for which it is intended. 10

2. Where more than one vessel, utensil, room, or place is used for the same purpose all such vessels, utensils, rooms, or places must be marked by progressive numbers. 15

## ELEVENTH PART.

## COURSE OF WASH, LOW WINES, FEINTS, AND SPIRITS.

[ss. 16, 17, 23.]

1. All wash must be fermented in the fermenting backs, and thence conveyed directly into the wash charger, and thence into the still for distillation.

2. All low wines, feints, and spirits running from the worm of the still must run thence directly into the safe at the end of the worm. 20

3. All low wines must be conveyed directly from the safe into the low wines receiver, and thence directly into the low wines and feints charger, and thence directly into the low wines still for re-distillation.

4. All spirits must be conveyed directly from the safe into the feints receiver or spirit receiver. 25

5. All spirits conveyed into the feints receiver must be conveyed thence directly into the low wines and feints charger or wash charger or intermediate still charger, and thence directly into the still for re-distillation.

6. No spirits conveyed into the spirit receiver may be re-distilled or may be removed therefrom except into the distiller's spirit store. 30

7. All spirits distilled in the distillery must, after the officer has taken an account of their quantity and strength, be forthwith conveyed through a close metal pipe from the spirit receiver into the store cask or vat in the spirit store. 35

8. Except after notice to, or in the presence of, an officer, access may not be had to the end of the worm of any still, or to any low wines, feints, or spirits, from the time of the extraction or distillation thereof in the still until they are taken account of by the officer in the proper receiver, or to any spirits in a store cask or vat. 40

## SECOND SCHEDULE.

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TABLE A.

TABLE to be used in determining the original SPECIFIC GRAVITY of  
WORT or WASH.

Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.
·1	·3	4·1	15·5	8·1	34·3	12·1	54·9
·2	·6	4·2	16·0	8·2	34·8	12·2	55·4
·3	·9	4·3	16·4	8·3	35·4	12·3	55·9
·4	1·2	4·4	16·8	8·4	35·9	12·4	56·4
·5	1·5	4·5	17·3	8·5	36·5	12·5	56·9
·6	1·8	4·6	17·7	8·6	37·0	12·6	57·4
·7	2·1	4·7	18·2	8·7	37·5	12·7	57·9
·8	2·4	4·8	18·6	8·8	38·0	12·8	58·4
·9	2·7	4·9	19·1	8·9	38·6	12·9	58·9
1·0	3·0	5·0	19·5	9·0	39·1	13·0	59·4
1·1	3·3	5·1	19·9	9·1	39·7	13·1	60·0
1·2	3·7	5·2	20·4	9·2	40·2	13·2	60·5
1·3	4·1	5·3	20·9	9·3	40·7	13·3	61·1
1·4	4·4	5·4	21·3	9·4	41·2	13·4	61·6
1·5	4·8	5·5	21·8	9·5	41·7	13·5	62·2
1·6	5·1	5·6	22·2	9·6	42·2	13·6	62·7
1·7	5·5	5·7	22·7	9·7	42·7	13·7	63·3
1·8	5·9	5·8	23·1	9·8	43·2	13·8	63·8
1·9	6·2	5·9	23·6	9·9	43·7	13·9	64·3
2·0	6·6	6·0	24·1	10·0	44·2	14·0	64·8
2·1	7·0	6·1	24·6	10·1	44·7	14·1	65·4
2·2	7·4	6·2	25·0	10·2	45·1	14·2	65·9
2·3	7·8	6·3	25·5	10·3	45·6	14·3	66·5
2·4	8·2	6·4	26·0	10·4	46·0	14·4	67·1
2·5	8·6	6·5	26·4	10·5	46·5	14·5	67·6
2·6	9·0	6·6	26·9	10·6	47·0	14·6	68·2
2·7	9·4	6·7	27·4	10·7	47·5	14·7	68·7
2·8	9·8	6·8	27·8	10·8	48·0	14·8	69·3
2·9	10·2	6·9	28·3	10·9	48·5	14·9	69·9
3·0	10·7	7·0	28·8	11·0	49·0	15·0	70·5
3·1	11·1	7·1	29·2	11·1	49·6	15·1	71·1
3·2	11·5	7·2	29·7	11·2	50·1	15·2	71·7
3·3	12·0	7·3	30·2	11·3	50·6	15·3	72·3
3·4	12·4	7·4	30·7	11·4	51·2	15·4	72·9
3·5	12·9	7·5	31·2	11·5	51·7	15·5	73·5
3·6	13·3	7·6	31·7	11·6	52·2	15·6	74·1
3·7	13·8	7·7	32·2	11·7	52·7	15·7	74·7
3·8	14·2	7·8	32·7	11·8	53·3	15·8	75·3
3·9	14·7	7·9	33·2	11·9	53·8	15·9	75·9
4·0	15·1	8·0	33·7	12·0	54·3	16·0	76·5



TABLE B.

TABLE for determining the WEIGHT per GALLON of SPIRITS by SYKES'S HYDROMETER.

1. Spirits which on Sykes's hydrometer indicate a number in Column A must be taken to be of the weight per gallon in pounds and decimal parts of a pound of spirits indicated by the corresponding number in column B.

2. To ascertain the quantity of spirits in cask their net weight must be divided by the number which in column B indicates their weight per gallon, and the product will be the quantity of the spirits in gallons and decimal parts of a gallon.

Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.
0	8·154	8	8·289	16	8·426	24	8·565
2	8·157	2	8·292	2	8·429	2	8·568
4	8·161	4	8·296	4	8·433	4	8·572
6	8·164	6	8·299	6	8·436	6	8·575
8	8·168	8	8·303	8	8·440	8	8·579
1	8·171	9	8·306	17	8·443	25	8·582
2	8·174	2	8·309	2	8·446	2	8·586
4	8·178	4	8·313	4	8·450	4	8·589
6	8·181	6	8·316	6	8·453	6	8·593
8	8·185	8	8·320	8	8·457	8	8·596
2	8·188	10	8·323	18	8·460	26	8·600
2	8·191	2	8·326	2	8·464	2	8·603
4	8·195	4	8·330	4	8·467	4	8·607
6	8·198	6	8·333	6	8·471	6	8·610
8	8·202	8	8·337	8	8·474	8	8·614
3	8·205	11	8·340	19	8·478	27	8·617
2	8·208	2	8·343	2	8·481	2	8·620
4	8·212	4	8·347	4	8·485	4	8·624
6	8·215	6	8·350	6	8·488	6	8·628
8	8·219	8	8·354	8	8·492	8	8·631
4	8·222	12	8·357	20	8·495	28	8·635
2	8·225	2	8·361	2	8·498	2	8·639
4	8·229	4	8·364	4	8·502	4	8·642
6	8·232	6	8·368	6	8·505	6	8·646
8	8·236	8	8·371	8	8·509	8	8·649
5	8·239	13	8·375	21	8·512	29	8·653
2	8·242	2	8·378	2	8·516	2	8·656
4	8·245	4	8·382	4	8·519	4	8·660
6	8·249	6	8·385	6	8·523	6	8·663
8	8·252	8	8·389	8	8·526	8	8·667
6	8·255	14	8·392	22	8·530	30	8·670
2	8·258	2	8·395	2	8·533	2	8·674
4	8·262	4	8·399	4	8·537	4	8·677
6	8·265	6	8·402	6	8·540	6	8·681
8	8·269	8	8·406	8	8·544	8	8·684
7	8·272	15	8·409	23	8·547	31	8·688
2	8·275	2	8·412	2	8·551	2	8·692
4	8·279	4	8·416	4	8·554	4	8·695
6	8·282	6	8·419	6	8·558	6	8·699
8	8·286	8	8·423	8	8·561	8	8·702

Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.
32	8·706	43	8·903	54	9·106	65	9·313
2	8·709	2	8·907	2	9·110	2	9·317
4	8·713	4	8·911	4	9·114	4	9·321
6	8·716	6	8·914	6	9·117	6	9·324
8	8·720	8	8·918	8	9·121	8	9·328
33	8·723	44	8·922	55	9·125	66	9·332
2	8·727	2	8·926	2	9·129	2	9·336
4	8·730	4	8·929	4	9·132	4	9·340
6	8·734	6	8·933	6	9·136	6	9·344
8	8·737	8	8·936	8	9·139	8	9·348
34	8·741	45	8·940	56	9·143	67	9·352
2	8·745	2	8·944	2	9·147	2	9·356
4	8·748	4	8·947	4	9·151	4	9·360
6	8·752	6	8·951	6	9·154	6	9·363
8	8·755	8	8·954	8	9·158	8	9·367
35	8·759	46	8·958	57	9·162	68	9·371
2	8·763	2	8·962	2	9·166	2	9·375
4	8·766	4	8·965	4	9·170	4	9·379
6	8·770	6	8·969	6	9·173	6	9·382
8	8·773	8	8·972	8	9·177	8	9·386
36	8·777	47	8·976	58	9·181	69	9·390
2	8·781	2	8·980	2	9·185	2	9·394
4	8·784	4	8·984	4	9·189	4	9·398
6	8·788	6	8·987	6	9·192	6	9·401
8	8·791	8	8·991	8	9·196	8	9·405
37	8·795	48	8·995	59	9·200	70	9·409
2	8·799	2	8·999	2	9·204	2	9·413
4	8·802	4	9·002	4	9·207	4	9·417
6	8·806	6	9·006	6	9·211	6	9·420
8	8·809	8	9·009	8	9·214	8	9·424
38	8·813	49	9·013	60	9·218	71	9·428
2	8·817	2	9·017	2	9·222	2	9·432
4	8·820	4	9·021	4	9·226	4	9·436
6	8·824	6	9·024	6	9·229	6	9·440
8	8·827	8	9·028	8	9·233	8	9·444
39	8·831	50	9·032	61	9·237	72	9·448
2	8·835	2	9·036	2	9·241	2	9·452
4	8·838	4	9·039	4	9·245	4	9·456
6	8·842	6	9·043	6	9·248	6	9·459
8	8·845	8	9·046	8	9·252	8	9·463
40	8·849	51	9·050	62	9·256	73	9·467
2	8·853	2	9·054	2	9·260	2	9·471
4	8·856	4	9·058	4	9·264	4	9·475
6	8·860	6	9·061	6	9·267	6	9·479
8	8·863	8	9·065	8	9·271	8	9·483
41	8·867	52	9·069	63	9·275	74	9·487
2	8·871	2	9·073	2	9·279	2	9·491
4	8·874	4	9·076	4	9·283	4	9·495
6	8·878	6	9·080	6	9·286	6	9·498
8	8·881	8	9·083	8	9·290	8	9·502
42	8·885	53	9·087	64	9·294	75	9·506
2	8·889	2	9·091	2	9·298	2	9·510
4	8·892	4	9·095	4	9·302	4	9·514
6	8·896	6	9·098	6	9·305	6	9·517
8	8·899	8	9·102	8	9·309	8	9·521

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I

Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.
76	9·525	82	9·643	88	9·761	94	9·880
2	9·529	2	9·647	2	9·765	2	9·884
4	9·533	4	9·651	4	9·769	4	9·888
6	9·537	6	9·655	6	9·773	6	9·892
8	9·541	8	9·659	8	9·777	8	9·896
77	9·545	83	9·663	89	9·781	95	9·900
2	9·549	2	9·667	2	9·785	2	9·904
4	9·553	4	9·671	4	9·789	4	9·908
6	9·557	6	9·674	6	9·792	6	9·913
8	9·561	8	9·678	8	9·796	8	9·917
78	9·565	84	9·682	90	9·800	96	9·921
2	9·569	2	9·686	2	9·804	2	9·925
4	9·573	4	9·690	4	9·808	4	9·929
6	9·576	6	9·694	6	9·812	6	9·934
8	9·580	8	9·698	8	9·816	8	9·938
79	9·584	85	9·702	91	9·820	97	9·942
2	9·588	2	9·706	2	9·824	2	9·946
4	9·592	4	9·710	4	9·828	4	9·950
6	9·596	6	9·714	6	9·832	6	9·955
8	9·600	8	9·718	8	9·836	8	9·959
80	9·604	86	9·722	92	9·840	98	9·963
2	9·608	2	9·726	2	9·844	2	9·967
4	9·612	4	9·730	4	9·848	4	9·972
6	9·615	6	9·733	6	9·852	6	9·976
8	9·619	8	9·737	8	9·856	8	9·981
81	9·623	87	9·741	93	9·860	99	9·985
2	9·627	2	9·745	2	9·864	2	9·989
4	9·631	4	9·749	4	9·868	4	9·994
6	9·635	6	9·753	6	9·872	6	9·998
8	9·639	8	9·757	8	9·876	8	10·003
						100	10·007

## THIRD SCHEDULE.

A.D. 1880.

## RULES WITH RESPECT TO RECTIFIERS.

*First Part.*

1. A rectifier may not have any opening, fixed pipe, or conveyance leading [s. 150.]  
 5 to or from a still used by him, except one charging pipe leading to the still, and the discharge cock and the head of the still terminating in the worm.  
 2. A rectifier must permit the charge and discharge cock of every still used by him to be secured by the officer, and kept so secured whilst the still is at work.

10

*Second Part.*

1. The discharge cock of every still used by a rectifier must be so placed [ss. 151, 155, 157.]  
 that the officer may have convenient access thereto, and for this purpose must be continued in a straight line from the body of the still, and must not project more than three feet therefrom.  
 15 2. A rectifier must, before beginning to draw off spirits from a still, charge the still with a quantity of liquor, in the proportion of not less than seven parts in ten of the whole quantity which the still, including the head, is capable of containing, and must keep the still so charged until he begins to draw off spirits therefrom.  
 20 3. Every still must be worked off within sixteen hours from the time of the officer's taking the gauge thereof.  
 4. A rectifier must, as soon as his still has been worked off, remove the head therefrom, unless it is permanently fixed to the body of the still, and the head so removed must not be replaced until the still is again charged and  
 25 ready to be worked.  
 5. A rectifier must not allow his still to be worked until the officer has examined the quality of the spirits therein.

*Third Part.*

1. When a rectifier desires to have the furnace door or steam pipe of a still [ss. 152-154.]  
 30 unlocked, he must give the officer not less than twelve hours' previous written notice, specifying the still, and the day and hour when he wishes to have the door or pipe unlocked.  
 2. The officer shall attend at the time so specified, or within one hour thereafter.  
 35 3. The officer must not open the door or pipe until the still has been fully charged, and until he has examined its contents and seen the head of the still put on and ready to be locked down.  
 4. The officer shall not be bound to remain for this purpose more than one hour at any one time, and if within one hour after his arrival the still is not  
 40 charged, and its head ready to be locked down, another notice shall be requisite.

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5. Whenever any vessel, utensil, cock, pipe, pump, or other article on the premises of a rectifier which is required by law to be locked and secured has to be opened for the purpose of any cleaning, repair, or improvement, the officer shall, on receiving a written request for that purpose, open the same, and keep it open whilst the work is in progress. He must close every such vessel or article every evening as soon as the work is finished for the day, but must attend to open it at six o'clock every morning until the work is completed. 5

*Fourth Part.*

[s. 161.]

Where the strength of any spirits forming part of the stock of a rectifier, by reason of their being compounded with other substances, cannot be ascertained by Sykes's hydrometer, he must, on request by an officer, cause the true quantity and strength of the spirits to be legibly marked on the outside of the cask or vessel containing the same, and to be kept so marked until the spirits are removed therefrom. 10

## FOURTH SCHEDULE.

15

*Particulars to be specified in Request Note for Permit.*

[s. 181.]

Quantity and strength of spirits for which the permit is required.  
Casks or other vessels in which the spirits are contained.  
From whom and whence the spirits are to be sent.  
To whom and whither the spirits are to be sent.  
Mode of conveyance. 20

*Particulars to be specified in Certificate.*

[s. 171.]

Quantity, denomination, and strength of spirits sent out or delivered.  
Number of casks or packages in which the spirits are contained.  
Day and hour of sending out or delivery.  
From whom and whence sent or delivered.  
To whom and whither sent or delivered.  
Mode of conveyance. 25

*Particulars to be entered in Stock Book.*

[s. 170.]

*On receipt:—*

Quantity, denomination, strength and gallons computed at proof of spirits received.  
Date of receipt.  
From whom and whence received. 30

*On sending out or delivery:—*

Quantity, denomination, strength and gallons computed at proof of spirits sent or delivered.  
Date of sending out or delivery.  
To whom or whither sent or delivered. 35

## FIFTH SCHEDULE.

A.D. 1880.

## ENACTMENTS REPEALED.

Session and Chapter.	Title of Act.	Extent of Repeal.
5 10 Will. 3. c. 4.	An Act to prohibit the excessive distilling of spirits and low wines from corn, and against the exporting of beer and ale, and to prevent frauds on distillers.	Sections five and eight.
10 30 Geo. 3. c. 38.	An Act for repealing the duties upon licences for retailing wine and sweets and upon licences for retailing distilled spirituous liquors, and for granting other duties in lieu thereof.	Section fifteen.
15 4 Geo. 4. c. 94.	An Act to grant certain duties of excise upon spirits distilled from corn or grain in Scotland and Ireland, and upon licences for stills for making such spirits; and to provide for the better collecting and securing such duties, and for the warehousing of such spirits without payment of duty.	The whole Act.
20		
25 6 Geo. 4. c. 80.	An Act to repeal the duties payable in respect of spirits distilled in England, and of licences for distilling, rectifying, or compounding such spirits, and for the sale of spirits, and to impose other duties in lieu thereof; and to provide other regulations for the collection of the said duties, and for the sale of spirits, and for the warehousing of such spirits without payment of duty, for exportation.	Section one hundred and forty-five.
30		
35 18 & 19 Vict. c. 38.	An Act to allow spirit of wine to be used duty free in the arts and manufactures of the United Kingdom.	The whole Act except section three.
40 18 & 19 Vict. c. 94.	An Act to impose increased rates of duty of excise on spirits distilled in the United Kingdom, to allow malt, sugar, and molasses to be used duty free in the distilling of spirits, in lieu of allowances and drawbacks on such spirits, sugar, and molasses respectively; and to amend the laws relating to the duties of excise.	Section fourteen, in part, namely, the words "and all malt " to be used in the " distillery shall be " ground by metal " rollers only."
45		

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Session and Chapter.	Title of Act.	Extent of Repeal.
23 & 24 Vict. c. 114.	An Act to reduce into one Act and to amend the excise regulations relating to the distilling, rectifying, and dealing in spirits.	The whole Act. 5
24 & 25 Vict. c. 21.	An Act for granting to Her Majesty certain duties of excise and stamps.	Section two in part, namely, from "and any licensed" to the end of the section.
24 & 25 Vict. c. 91.	An Act to amend the laws relating to the Inland Revenue.	Sections three, four, six, and twenty. 10
27 & 28 Vict. c. 12.	An Act to amend the laws relating to the warehousing of British spirits.	The whole Act, except section twelve.
28 & 29 Vict. c. 96.	An Act to amend the laws relating to the Inland Revenue.	Sections twenty-three, twenty-seven, twenty-eight, and twenty-nine. 15
28 & 29 Vict. c. 98.	An Act to allow British compounded spirits to be warehoused upon drawback.	The whole Act, except section twelve. 20
29 & 30 Vict. c. 64.	An Act to amend the laws relating to the Inland Revenue.	Sections seven, eight, and nine.
30 & 31 Vict. c. 27.	An Act to allow warehoused British spirits to be bottled for home consumption.	The whole Act. 25
31 & 32 Vict. c. 124.	An Act to amend the laws relating to the Inland Revenue.	Sections three, four, and five.
32 & 33 Vict. c. 103.	An Act to amend the law relating to the warehousing of wines and spirits in customs and excise warehouses, and for other purposes relating to Customs and Inland Revenue.	Sections two, six, eight, twelve, and thirteen, and the other sections in Part I. (except section seven), so far as they relate to spirits, and sections fourteen and sixteen. 30 35
34 & 35 Vict. c. 103.	An Act to amend the law relating to the Customs and Inland Revenue.	Sections twenty-one, twenty-two, and twenty-three.
37 & 38 Vict. c. 16.	An Act to grant certain duties of Customs and Inland Revenue, to repeal and alter other duties, and to amend the laws relating to Customs and Inland Revenue.	Sections nineteen and twenty. 40
38 & 39 Vict. c. 23.	An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the laws relating to Customs and Inland Revenue.	Section ten. 45

Session and Chapter.	Title of Act.	Extent of Repeal.
39 & 40 Vict. c. 16. 5	An Act to grant and alter certain duties of Customs and Inland Revenue, and to amend the laws relating to Customs and Inland Revenue.	Section three.
39 & 40 Vict. c. 35. 10 15	An Act for consolidating the Duties of Customs.	Section three in part, namely, the words "or Inland Revenue," "or Excise," "respectively," and "or Inland Revenue respectively," Section four in part, namely, the words "or Inland Revenue" and "or Inland Revenue respectively."
40 & 41 Vict. c. 13. 20	An Act to grant certain duties of Customs and Inland Revenue, and to amend the laws relating to Customs, Inland Revenue, and savings banks.	Section eleven.
41 & 42 Vict. c. 15. 25	An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the laws relating to Customs and Inland Revenue.	Section twenty-four.



SESS. 2.

## **Spirits.**

A

## **B I L L**

To consolidate and amend the Law relating to  
the Manufacture and Sale of Spirits.

*(Prepared and brought in by  
Lord Frederick Cavendish, Mr. Attorney General, and  
Mr. Solicitor General).*

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*Ordered, by The House of Commons, to be Printed,  
4 June 1880.*

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[Bill 210.]

*Under 10 oz.*

A

## B I L L

FOR

The Improvement of the Quality of Spirits before being A.D. 1880.  
allowed out of Bond for consumption.

**W**HEREAS it is expedient to give further power to the Board of Inland Revenue and to the Commissioners of Customs regarding newly bonded spirits :

Be it therefore enacted by the Queen's most Excellent Majesty,  
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. *On and after the first day of January one thousand eight hundred and eighty-one* the Board of Inland Revenue and the  
10 Commissioners of Customs shall detain all spirits imported or manufactured (containing forty-five per centum or fifty-five under proof) for *one year* after such spirits are manufactured or received into any of Her Majesty's bonding stores or any private stores or warehouse in England, Ireland, or Scotland, before they are  
15 allowed to be taken out for consumption.

Power to Board of Inland Revenue and Commissioners of Customs to detain spirits in bond for one year.

2. It shall be lawful for said Board of Inland Revenue and for said Commissioners of Customs to allow the sale or resale of such spirits in bond, from time to time, as permitted at present, provided the same are not duty paid or taken out for consumption  
20 until they are at least *one year* in bond.

Liberty to sell in bond, provided spirits not removed out of bond.

3. All spirits in bond in England, Ireland, or Scotland, on the *first day of January one thousand eight hundred and eighty-one*, and all spirits made or imported after that date and up to the *first of January one thousand eight hundred and eighty-two*, which  
25 contains forty-five per centum or sixty-five under proof, shall be registered in a book kept at each distillery, store, or warehouse for that purpose, to show the age of such spirits, so as to enable the owner to duty pay such spirits after the Bill comes into operation, when such registry shows that it is twelve months in bond.

Age of spirits to be registered.

30 4. This Act may be cited for all purposes as the Improvement of Spirits Act. Short title.

[Bill 42.]





# Spirits in Bond.

A

## BILL

For the Improvement of the Quality of  
Spirits before being allowed out of  
Bond for consumption.

(Prepared and brought in by  
*Mr. O'Sullivan, Major Nolan, Captain Pim,  
Mr. Richard Power, Mr. Yeaman, and  
Major O'Beirne.*

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*Ordered, by The House of Commons, to be Printed,  
6 February 1880.*

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[Bill 42.]

*Under 1 oz.*

A  
B I L L

TO

Remove doubts as to the meaning of Expressions relative to      A.D. 1890.  
Time occurring in Acts of Parliament, deeds, and other  
legal instruments.

**W**HEREAS it is expedient to remove certain doubts as to  
whether expressions of time occurring in Acts of Parliament,  
deeds, and other legal instruments relate in England and Scotland  
to Greenwich time, and in Ireland to Dublin time, or to the mean  
5 astronomical time in each locality :

Be it therefore enacted by the Queen's most Excellent Majesty,  
by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled, and  
by the authority of the same, as follows ; (that is to say,)

- 10    1. That whenever any expression of time occurs in any Act of      Meaning of  
Parliament, deed, or other legal instrument, the time referred,      expressions  
shall, unless it is otherwise specifically stated, be held in the case      relating to  
of Great Britain to be Greenwich mean time, and in the case of      time.  
Ireland, Dublin mean time.
- 15    2. This Act may be cited as the Statutes (Definition of Time)      Short title.  
Act, 1890.







# Statutes (Definition of Time).

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A

## B I L L

To remove doubts as to the meaning of  
Expressions relative to Time occur-  
ring in Acts of Parliament, deeds, and  
other legal instruments.

*(Prepared and brought in by  
Dr. Cameron, Mr. David Jenkins, and  
Mr. Errington.)*

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*Ordered, by The House of Commons, to be Printed,  
16 June 1880.*

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[Bill 225.]  
*Under 1 oz.*

## **Strensall Common Bill.**

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### **ARRANGEMENT OF CLAUSES.**

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**Clause.**

1. Short title.
  2. Ascertaining of rights of common, &c.
  3. Rights of commoners to require Secretary of State to purchase of common rights.
  4. Powers of Commissioners.
  5. Power to build on and drain and improve Strensall Common and use it for exercise of troops.
  6. Expenses of Commissioners.
  7. Clerk of peace to retain map, register, &c.
  8. Saving for right of Secretary of State as owner of soil.
-



A

## B I L L

TO

Provide for ascertaining any Rights of Common or other rights in or over Strensall Common, in the North Riding of the county of York, and for the acquisition and compensation of such rights and the use of the said Common for Military purposes. A.D. 1880.

**W**HEREAS in pursuance of the Military Forces Localisation Act, 1872, the Secretary of State for the War Department (in this Act referred to as the Secretary of State) has purchased, by agreement, the soil in the common known as Strensall Common, in the parish of Strensall, in the North Riding of the county of York, the uninclosed portions of which comprise one thousand and eighty acres or thereabouts, and are in this Act referred to as Strensall Common, and are shown on a plan deposited with the clerk of the peace of the North Riding of the county of York, and defined thereon by a red edging, and the soil in the said common is vested in the Secretary of State and his successors on behalf of Her Majesty: 35 & 36 Vict. c. 68.

And whereas the object of such purchase was to obtain an area for a military training ground and store depôt in the north of England, including the erection of stores, magazines, buildings, rifle butts, and works, the pitching of a camp and the exercise of troops, and it is expedient to make such provision as herein-after appears for ascertaining and acquiring the rights of common and other rights in and over Strensall Common, and otherwise respecting the use thereof for the above purposes:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Strensall Common Act, 1880. Short title.  
[Bill 60.] A 2

A.D. 1880.  
 —  
 Ascertaining  
 of rights of  
 common, &c.

2. For the purpose of ascertaining the rights of common and other rights in or over Strensall Common, and preserving evidence of such rights, and of the persons entitled to them, and the land in respect of which they are so entitled, the following provisions shall have effect—

- (1.) The Inclosure Commissioners for England and Wales (herein-  
 after referred to as the Commissioners) shall cause meetings  
 to be held by an Assistant Commissioner, as soon as may  
 be after the *passing of this Act*, in some place which they  
 deem convenient for the claimants, for the examination and  
 determination of claims to any right of common or other  
 rights or interests in or over Strensall Common, includ-  
 ing all such rights and interests to which the Secretary of  
 State claims to be entitled, other than as owner of the soil  
 of the common. 5 10 15
- (2.) Such meetings shall be held after the like notices and in  
 the like manner as near as may be as meetings by a valuer  
 for the examination of claims in the matter of the inclosure  
 of a common are held under the Inclosure Act, 1845, and  
 the Acts amending the same. 20
- (3.) Sections forty-six to sixty, both inclusive, of the Inclosure  
 Act, 1845, and all enactments amending those sections,  
 shall apply in like manner as near as may be as if the As-  
 sistant Commissioner holding the meeting were the valuer  
 within the meaning of those sections, subject to the above 25  
 provisions, and also to this qualification, that in the case  
 of a rehearing of any claim or matter, the same shall be  
 reheard before the Commissioners, or some other Assistant  
 Commissioner, and in case a claimant proceeds after such  
 rehearing to obtain a decision thereon in an action of 30  
 law in manner provided by section fifty-six of the said  
 Act, the Secretary of State may, where necessary, be the  
 plaintiff or defendant in such action.
- (4.) After such determination as aforesaid, and after all such  
 actions (if any) have been determined, the Commissioners 35  
 shall ascertain the value of such rights and interests as  
 aforesaid, to be expressed in number of stints and also in  
 capital value in money, other than the rights of the  
 Secretary of State as owner of the soil of the common.
- (5.) The Commissioners, after such determination as aforesaid, 40  
 and after all such actions, if any, have been determined,  
 shall make, under their hands and common seal, an award

8 & 9 Vict.  
 c. 118.

stating the rights of common and other rights in or over  
Strensall Common which they find to exist, and the value  
of such rights (including the value of the rights and  
interests of the Secretary of State other than as owner  
of the soil of the common), and stating the lands (if any)  
in respect of which persons, including the Secretary of  
State other than as owner of the soil of the common, are  
entitled to such rights, and a person shall not be entitled  
to any right in or over Strensall Common which is not  
stated in such award.

A.D. 1880.

(6.) The Commissioners shall also by their award determine what  
rights of way (if any) are to be set out and maintained  
over Strensall Common, and by whom they are to be  
maintained, and all rights of way over the same other than  
those specified in the award shall be extinguished, and the  
provisions of the Inclosure Acts, 1845 to 1878, relating to  
public as well as private roads, shall apply, and anything  
thereby authorised to be done by a valuer may be done  
by the Commissioners or an Assistant Commissioner, or by  
a valuer to be appointed by the Commissioners.

(7.) The award shall be deposited in the office of the Commis-  
sioners, and shall be deemed to be an instrument within  
the second section of the Inclosure Act, 1845, and the  
Commissioners shall cause copies, certified under their  
hands and seal to be true copies, to be deposited with the  
clerk of the peace for the North Riding of the county of  
York, and with the churchwardens of the parish of  
Strensall.

3. Any person entitled to a right of common or other right in or  
over Strensall Common stated in the award made under this Act  
may require the Secretary of State to buy the said right at the  
capital value stated in the award.

Rights of  
commoners  
to require  
Secretary of  
State to pur-  
chase of com-  
mon rights.

Such requisition may be made by notice in writing, specifying the  
right by reference to the award and signed by the person claiming to  
be entitled, and sent by post to the Secretary of State at his office.

The Secretary of State, within *two months* after the receipt of  
such requisition, shall cause the sum stated in the award as the  
capital value of the right specified in the requisition to be paid  
into the Bank of England to an account to be named by the Com-  
missioners, and upon such payment the said right shall vest in the  
Secretary of State and his successors upon trust for Her Majesty.

The Commissioners shall cause the money so paid into the Bank

[60.]

A 3

A.D. 1880. of England to be paid to the person or persons entitled to the  
 right in respect of which it is paid in manner provided by the  
 17 & 18 Vict. Inclosure Act, 1854, as if it were compensation paid into the Bank  
 c. 97. of England as mentioned in that Act.

Powers of  
 Commis-  
 sioners.  
 8 & 9 Vict.  
 c. 118.  
 41 & 42 Vict.  
 c. 56.

4. For the purpose of carrying this Act into execution the Com- 5  
 missioners shall have all the powers of the Inclosure Acts, 1845 to  
 1878, so far as not inconsistent with anything herein contained, and  
 may act by an Assistant Commissioner in all matters not required  
 to be under the hands and common seal of the Commissioners, and  
 may employ valuers and other persons as in their discretion they 10  
 may think fit.

Power to  
 build on and  
 drain and  
 improve  
 Strensall  
 Common and  
 use it for  
 exercise of  
 troops.

5. The Secretary of State may at any time after the *passing of*  
*this Act* lay out, drain, level, fence, plant, and improve Strensall  
 Common in such manner as he may think expedient for the public  
 service, and may use to the exclusion of all persons whomsoever 15  
 any portion or portions thereof not exceeding in the whole two  
 hundred and fifty acres for such purposes as he thinks expedient for  
 the public service, and may construct on the said portion or  
 portions such houses, stores, magazines, buildings, rifle butts, and  
 works with yards, gardens, and appurtenances as he thinks expedient, 20  
 and may authorise the said common to be used for such military  
 purposes, whether camps, reviews, drills, training, exercising, firing,  
 rifle ranges, or other whatsoever, and at such time or times and during  
 such periods as he from time to time directs, and the same may  
 be used accordingly by any of Her Majesty's forces and other 25  
 persons acting under the authority of the Secretary of State to  
 the exclusion of all other persons whomsoever.

For the purpose of better securing the safety of persons coming  
 upon Strensall Common, the Secretary of State may cause the  
 common or any part thereof to be kept clear, and any constable 30  
 or other person authorised by the Secretary of State may remove  
 persons and animals, and if need be by force, from the common  
 or any part thereof, so that no greater force be used than is  
 necessary for the purpose.

A person claiming any right or interest in, to, or over Strensall 35  
 Common shall be entitled to obtain such compensation as is  
 provided by this Act, but shall not be entitled to restrain or  
 interfere with the Secretary of State in the exercise of any rights  
 or powers conferred on him by this Act, or in the use of Strensall  
 Common in any manner or for any purpose in this section men- 40  
 tioned, or to do any act inconsistent with such exercise or use,

or to recover any damages for anything done in the course of such exercise or use. A.D. 1880.

6. *The costs, and expenses incurred by the Commissioners in the execution of this Act, including the remuneration paid to any* Expenses of Commissioners.  
 5 *valuers and any fees which are payable to the Commissioners, or which would have been payable under the Inclosure, &c. Expenses* 31 & 32 Vict. c. 89.  
*Act, 1868, if the award under this Act were an award for regulation of gated or stinted pastures duly confirmed, shall be paid by the Secretary of State.*
- 10 7. The clerk of the peace for the North Riding of the county of York shall retain the map deposited for the purposes of this Act, and the copy of the award made under this Act, and any other document deposited with him under this Act, and shall permit all persons interested to inspect the same, and make extracts or copies  
 15 therefrom or thereof, in the like manner, and on the like terms, and under the like penalty for default, as are provided in relation to certain plans and sections by an Act passed in the first year of Her Majesty's reign, intituled "An Act to compel the clerks of the peace  
 20 " for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the  
 " standing orders of either House of Parliament."
8. Nothing in this Act shall be deemed to diminish or prejudicially affect any right or power vested in the Secretary of State as owner of the soil in Strensall Common or otherwise howsoever. Clerk of peace to retain map, register, &c.  
7 W. 4. & 1 Vict. c. 83.  
Saving for right of Secretary of State as owner of soil.



# Strensall Common.

A

## **B I L L**

To provide for ascertaining any Rights of Common or other rights in or over Strensall Common, in the North Riding of the county of York, and for the acquisition and compensation of such rights and the use of the said Common for Military purposes.

*(Prepared and brought in by  
Lord Eustace Cecil, Colonel Stanley, and  
Colonel Lloyd Lindsay)*

*Ordered, by The House of Commons, to be Printed,  
9 February 1880.*

[Bill 60.]

A  
B I L L

TO

Extend the principles of the Summary Jurisdiction Act, A.D. 1880.  
1879, and the Justices Clerks Act, 1877, to Ireland.

**W**HEREAS the Law of Summary Jurisdiction in Ireland and the Summary Jurisdiction Courts rest on the same original foundation as the corresponding laws and institutions in England and Wales, and it is expedient to have the latest improvements adopted  
5 in England for the benefit of suitors in and persons brought before those courts promptly extended to Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and  
10 by the authority of the same, as follows :

1. The salaries of the petty sessions clerks in Ireland shall not after the *passing of this Act* be raised or lowered on account of the amount of fines levied in the court of which they are clerks, or on account of the amount of petty sessions stamps used therein, but  
15 shall be raised on account of the length of service, or new duties attached to the office, and shall not be liable to be reduced during the tenure of any clerk below the amount at which the salary was fixed at the time of his appointment, or at any time during his tenure of office : Provided always, that it shall be lawful to reduce  
20 the salary for the clerk of any petty sessions when the office is vacant.

Salaries of clerks of petty sessions in Ireland not to depend on amount of fines or petty sessions stamps.

2. To secure the Petty Sessions Clerks Fund on which the salaries are charged from variation, it shall be lawful for the registrar of petty sessions clerks to deduct from any sum or sums  
25 payable by him to local authorities in Ireland such sum or sums as the Lord Lieutenant or Lords Justices or other Chief Governor or Chief Governors of Ireland shall for any calendar year by any order or orders determine, and to add the amount of such deduction to the Petty Sessions Clerks Fund.

Provisions for securing Petty Sessions Clerks Fund from variation.

[Bill 313.]

Provision  
against Sum-  
mary Juris-  
diction Act  
extending to  
Ireland re-  
pealed.

Lord Chan-  
cellor of Ire-  
land to frame  
Provisional  
Order.

3. From and after the *first day of April one thousand eight hundred and eighty-one* the provisions in the Summary Jurisdiction Act, 1879, against its operation extending to Ireland, shall cease to have effect.

4. The Lord Chancellor of Ireland shall, before the *first day 5 of January one thousand eight hundred and eighty-one*, frame a Provisional Order providing for the detail modifications in the law and practice as to summary jurisdiction in Ireland, corresponding to the detail modifications in law and practice as to summary jurisdiction in England, introduced by the Summary Jurisdiction 10 Act, 1879; and from and after the *first day of April one thousand eight hundred and eighty-one* such Provisional Order shall have the force and effect of an Act of Parliament, except as to any part or parts of such Order with respect to which, before the said *first day 15 of April one thousand eight hundred and eighty-one*, an address shall be presented to Her Majesty by either House of Parliament, praying that such part or parts of the said Provisional Order shall not have the effect of statute until such part or parts of such Order shall be confirmed by Act of Parliament.

Short title.

5. This Act may be cited as the Summary Jurisdiction (Ireland) 20 Act, 1880.



# **Summary Jurisdiction (Ireland).**

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A

## **B I L L**

To extend the principles of the Summary Jurisdiction Act, 1879, and the Justices Clerks Act, 1877, to Ireland.

*(Prepared and brought in by  
Mr. Errington and Sir Patrick O'Brien.)*

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*Ordered, by The House of Commons, to be Printed,  
17 August 1880.*

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[Bill 318.]

*Under 1 oz.*

# Supreme Court of Judicature (District Courts) Bill.

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## ARRANGEMENT OF CLAUSES.

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Clause.

1. Formation of district courts of the High Court of Justice.
2. Formation of district court circuits.
3. Constitution of district courts.
4. Constitution of county courts within district court circuits.
5. Power to Her Majesty to constitute any county court a district court, and assign a circuit thereto.
6. Power to Her Majesty to alter circuits and districts.
7. District registries at places where district courts are constituted to be annexed thereto. District registrars to be attached to district courts. Saving as to existing district registrars. Future district registrars.
8. District judges. Their appointment, qualification, tenure of office, and number.
9. Status and precedence of district judges.
10. Salaries and pensions of district judges.
11. District registrars. Their number, qualification, appointment, and tenure of office. To reside within their circuits. Not to practise.
12. Salaries and pensions of district registrars.
13. Registrars, and other ministerial officers, and clerks. Their appointment and tenure of office. Their salaries. Judges clerks.
14. Registrars of county courts within circuits to be transferred or attached to district courts.
15. Provision for executing office of high bailiff.
16. Saving as to existing registrars and officers of county courts within circuits.
17. Gradual supersession of registrars of county courts within circuits. On vacancy, duties to be discharged by district registrars. Qualifying proviso.
18. Officers of district courts to be officers of Supreme Court.
19. Jurisdiction of district courts in common law, equity, and admiralty actions. Defendant may object as of right to jurisdiction in certain cases. Effect of pleading set-off or counter-claim beyond certain limits. Jurisdiction excluded.

[Bill 87.]

a

ii      *Supreme Court of Judicature (District Courts).*    [43 VICT.]

Clause.

20. Actions may be removed into High Court from district court.
  21. Actions may be removed from High Court into district court.
  22. Issues may be sent for trial to district court.
  23. Jurisdiction of district courts in bankruptcy. Act not to apply to bankruptcy, save as expressly provided.
  24. Jurisdiction of district judges in common law, equity, and Admiralty actions. Jurisdiction in chambers. Jurisdiction in bankruptcy.
  25. District judges qualified to act as commissioners of assize. Qualified to be judges of High Court. Disqualified for other offices and employments.
  26. Jurisdiction of district registrars in court. Limitation of jurisdiction. Powers in chambers. Powers in district registries. Powers in bankruptcy.
  27. Sittings at district courts. Sittings in chambers. Actions and proceedings to be heard at district courts, or in chambers. Vacation of district judges.
  28. Judges may sit and act for district judges. Provision for deputy judge in case of absence, or vacancy in office of district judge.
  29. Sittings of district registrars in court. Attendance in district registries, and in chambers. Proceedings before district registrars may be remitted to judge in certain cases. Vacation of district registrars.
  30. Appeals from district courts in common law, equity, and admiralty actions.
  31. Rehearings of cases heard by district registrars.
  32. Solicitors may appear and be heard.
  33. Court fund. Fees to be taken by district registrars.
  34. Orders and rules of court to be framed.
  35. Saving of existing actions.
  36. Power to Lord Chancellor to offer to twelve judges of county courts retiring pensions.
  37. Power to Treasury to compensate judges removed to make way for new circuits.
  38. Commencement of Act. Short title of Act.
- SCHEDULE.
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ANALYSIS OF MR. NORWOOD'S COUNTY COURT RETURN, 1878, showing the extent to which, in the under-mentioned classes of actions, the several divisions of the High Court of Justice are aided and relieved by means of the concurrent and other jurisdiction exercised by the County Courts comprised in the Schedule to the Bill; and also showing the Fees paid into the Exchequer, in respect of the business done in the same Courts, during the Year ended 31st December 1877.—Parliamentary Paper 221, House of Commons, Session 1878.

District Courts.	Circuits.	Actions above 20l.	Equity Actions.	Admiralty Actions.	Actions sent from High Court.	Totals.	Fees of Court.	Totals.
LIVERPOOL AND MAN-CHESTER.	5	260	16	—	2	278	£ 8,289	£ 50,081
	6	465	12	43	26	546	15,208	
	7	327	9	—	6	342	10,735	
	8	314	9	—	38	361	11,450	
	9	178	10	—	1	189	4,399	
		1,544	56	43	73	1,716		
LEEDS AND BRADFORD.	11	382	18	—	14	414	7,826	£ 39,184
	12	300	14	—	22	336	10,152	
	14	713	12	—	22	747	21,206	
		1,395	44	—	58	1,497		
NEWCASTLE AND DURHAM.	1	573	14	18	22	627	7,537	£ 18,990
	2	359	7	24	12	402	9,821	
	15	70	5	—	—	75	1,632	
		1,002	26	42	34	1,104		
YORK, HULL, AND STOCKTON.	15	460	16	1	13	490	7,502	£ 14,563
	16	470	6	26	7	509	7,063	
		930	22	27	20	999		
SHEFFIELD, NOTTINGHAM, AND DERBY.	13	217	10	—	20	247	11,043	£ 31,464
	18	316	11	—	10	337	10,411	
	19	260	7	—	7	274	10,010	
		793	28	—	37	858		
BIRMINGHAM AND WOLVERHAMPTON.	21	405	13	—	19	437	17,423	£ 30,488
	22	16	3	—	—	19	428	
	23	109	1	—	1	111	3,144	
	25	207	18	—	13	233	9,493	
		737	30	—	33	800		
BRISTOL AND GLOUCESTER.	52	159	6	—	—	165	2,122	£ 15,066
	53	226	7	—	3	236	3,221	
	54	446	20	3	7	476	9,723	
		831	33	3	10	877		
WESTMINSTER, MARYLEBONE, BLOOMSBURY, CLERKENWELL, SHOREDITCH, AND SOUTHWARK.	39	87	—	—	14	101	4,696	£ 64,098
	40	223	8	—	19	250	9,183	
	41	211	14	—	47	272	7,562	
	42	216	5	—	25	246	6,113	
	43	333	21	—	34	388	11,410	
	44	384	13	—	107	504	9,441	
	46	269	6	—	49	324	8,918	
	47	269	12	—	15	296	6,770	
		1,992	79	—	310	2,381		£ 263,931*

## SUMMARY OF ACTIONS.

9,224 | 316 | 115 | 575 | 10,232

\* NOTE.—This is exclusive of the fees received in respect of bankruptcy proceedings, and the fees received by the registrars for their own use, in the courts comprised in the Schedule to the Bill.





A  
B I L L

TO

Amend and extend the Supreme Court of Judicature Acts, 1873 and 1875, and to make provisions for the better local Administration of Justice in England. A.D. 1880.

**W**HEREAS it is expedient to amend and extend the Supreme Court of Judicature Acts, 1873 and 1875, and to constitute, at convenient places in populous trading and commercial localities, District Courts, branches of the High Court of Justice, and to make provision for the better local administration of justice in England :

And whereas it is desirable to utilize for this purpose the existing machinery of the county courts, and of the district registries of the High Court of Justice, established at such places :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

CONSTITUTION OF DISTRICT COURTS.

1. *From and after the commencement of this Act*, the county courts holden at the several places set forth in the first column of the schedule to this Act shall cease to be holden at such places. There shall be established in lieu thereof district courts of the High Court of Justice. All such courts, in this Act called "District Courts," shall be annexed to and form constituent parts or branches of the High Court of Justice, under and subject to the provisions of this Act.

2. There shall be assigned to the several district courts set forth in the first column of the schedule to this Act, as circuits for the purposes of this Act, the consolidated districts of the county courts set opposite thereto respectively in the second column of the said schedule; and where in the first column of such schedule two or more places are united, the courts established at such places shall together form one district court, and the respective circuits of such courts shall be consolidated, and together form one district court circuit. Every district court having Admiralty jurisdiction shall include within the circuit thereof the parts of the sea adjacent thereto to a distance of *three miles* from the shore.

[87.]

A

A.D. 1880.

Constitution  
of district  
courts.

3. Every district court shall be constituted in two permanent divisions, one of which, under the name of "The First Division," shall have and exercise such jurisdiction in actions and proceedings as herein-after is mentioned; and the other of which, under the name of "The Second Division," shall have and exercise such and 5 the same jurisdiction as is conferred on the county courts by the County Courts Act, 1846, and the several Acts amending the same, or by any Act of Parliament relating to the said courts, subject to the provisions and limitations herein-after contained.

There shall be assigned to the second division of every district 10 court, as a district for the purposes of this Act, the district of the county court heretofore holden at the place at which any such district court is constituted.

Every district court shall consist of one or more judges, in this Act called "District Judges," and such and so many persons 15 having mixed administrative and judicial functions, in this Act called "District Registrars," and other officers as may from time to time be determined by authority under the provisions of this Act.

The district judges shall preside in the first divisions of their respective courts, and hear and determine all such actions and 20 proceedings as shall under the provisions of this Act, or the rules of court, be entered for trial before them respectively.

The district registrars appointed under this Act shall preside in the second divisions of the said courts, and in the county courts within the respective circuits thereof, and dispose of all such 25 actions and proceedings as shall under the provisions of this Act, or the rules of court, be entered for trial before them respectively.

Constitution  
of county  
courts with-  
in district  
court cir-  
cuits.

4. *From and after the commencement of this Act*, the county courts holden at the places set forth in the second column of the schedule hereto shall be annexed to and united with the district 30 courts within the circuits of which they are respectively situate; and the existing districts of such county courts shall respectively be the districts thereof for the purposes of this Act.

Power to  
Her Majesty  
to constitute  
any county  
court a dis-  
trict court,  
and assign  
a circuit  
thereto.

5. Her Majesty may, by Order in Council, from time to time direct that any county court holden at a convenient place be 35 constituted a district court, and may assign a circuit thereto; and may order that any two or more places be united, and that the courts constituted at such places together form one district court, and may consolidate the circuits of such courts. Every court so ordered to be constituted a district court shall thenceforth be 40 holden, in such manner as shall be directed in any such order, as a district court of the High Court of Justice, under and subject to the provisions of this Act, and in all respects as if it had been originally constituted under this Act.

6. Her Majesty may, by Order in Council, from time to time extend or diminish the boundaries of any district court circuit, or the district of any county court comprised therein, and may alter the place of holding any such court, or may abolish any such court, and assign the district thereof to any adjoining district or districts, in such manner as to Her Majesty may seem meet.

A.D. 1880.

Power to Her Majesty to alter circuits and districts.

7. The district registries established under the Supreme Court of Judicature Acts, 1873 and 1875, shall be and remain established under this Act; but so that *from and after the commencement of this Act*, the district registries at the places where by or by virtue of this Act district courts are constituted shall, be annexed to and united with the district courts at such places; and the respective circuits of such courts, as constituted under the provisions of this Act, shall be the districts of such district registries respectively.

District registries at places where district courts are constituted to be annexed thereto.

15 The district registrars appointed under the Supreme Court of Judicature Acts, 1873 and 1875, shall respectively be attached to the district courts within the circuits of which their respective registries are situate, and be subject to the jurisdiction and authority of the respective judges of such district courts.

District registrars to be attached to district courts.

20 The existing district registrars of the High Court of Justice shall continue to discharge their existing duties, or duties analogous thereto, and shall hold their offices, and receive the salaries or other emoluments to which they are respectively entitled, upon the same terms and subject to the same conditions as heretofore, unless any such district registrar shall be appointed to the office of a district registrar under this Act.

Saving as to existing district registrars.

*After the passing of this Act* no district registrar shall be appointed at any of the places where by or by virtue of this Act district courts are constituted, except under the provisions of this Act.

Future district registrars.

30

## PART II.

### JUDGES AND OFFICERS.

8. The district judges shall be such persons as Her Majesty may be pleased to appoint from the body of the county court judges, or barristers of not less than *ten years* standing. They shall hold their offices for life, subject to a power of removal by Her Majesty, for misbehaviour, negligence, or incapacity, on a joint address presented by the Lord Chancellor and the Lord Chief Justice of England: Provided, that the number of judges to be appointed under this Act shall not exceed *twelve* without the authority of Parliament.

District judges. Their appointment, qualification, tenure of office, and number.

40 Whenever the office of any district judge shall become vacant, a new judge, qualified in like manner, may be appointed thereto by Her Majesty.

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Status and  
precedence  
of district  
judges.

9. The district judges shall be deemed to be officers of the Supreme Court of Judicature. They shall rank next after the junior judge for the time being of the High Court of Justice; and, among themselves, according to the priority of their respective appointments. Every judge shall be styled in his appointment 5  
“District Judge of Her Majesty’s High Court of Justice.”

Salaries and  
pensions of  
district  
judges.

10. *There shall be paid as a salary to every district judge the sum of three thousand pounds a year, to include travelling and all other expenses when acting within his own circuit as district judge; but all travelling and other incidental expenses incurred by any* 10  
*such judge when acting, upon the request of the Lord Chancellor, in any district court circuit other than his own, or under any commis-*  
*sion of assize or other commission for the discharge of civil or criminal business, in pursuance of the provisions of this Act, shall be*  
*defrayed by the Treasury.* 15

*Her Majesty may, on a petition presented through the Lord Chancellor, grant to any judge appointed under this Act, who has served for twenty years partly as a county court judge and partly as a district judge, or for fifteen years as a district judge, or who is disabled by permanent infirmity from the performance of the duties* 20  
*of his office, a pension, by way of annuity for the term of his life, not exceeding two thirds of the yearly salary to which such judge is*  
*entitled.*

*The salaries and pensions payable to the district judges shall be charged on the same fund, and be paid to the persons respec-* 25  
*tively entitled thereto in the same manner as the salaries and pensions payable to the judges of the High Court of Justice are paid under section fifteen of the Supreme Court of Judicature Act, 1873.*

District  
registrars.  
Their num-  
ber, qualifi-  
cation, ap-  
pointment,  
and tenure  
of office.

11. There shall be attached to every district court such number 30  
of district registrars, as may from time to time be determined by the Lord Chancellor, with the advice of the respective judges of such courts, and with the sanction of the Treasury. Every district registrar appointed under this Act shall be a district registrar of Her Majesty’s High Court of Justice. The existing district regis- 35  
trars, and registrars of county courts, and barristers or solicitors of the Supreme Court of not less than *seven years* standing, shall be qualified to be district registrars under this Act. The district registrars shall be appointed by the Lord Chancellor; but the first appointments shall, so far as circumstances permit, be made from 40  
the existing district registrars, or registrars of the county courts set forth in the first and second columns of the schedule hereto. They shall hold their offices for life, subject to a power of removal by the Lord Chancellor, for misbehaviour, negligence, or incapacity,

or other just cause. They reside within the district court circuits in which they are respectively acting. A.D. 1880.

No district registrar appointed under this Act shall practise, directly or indirectly, as a barrister, special pleader, equity draughts-  
5 man, conveyancer, solicitor, proctor, or notary public. To reside within their circuits. Not to practise.

12. *There shall be paid as a salary to every district registrar appointed under this Act, out of moneys to be provided by Parliament, the sum of fifteen hundred pounds a year, and such further sum as the Treasury shall in each case consider a reasonable*  
10 *allowance for travelling expenses.* Salaries and pensions of district registrars.

*Every district registrar appointed under this Act shall be deemed to be employed in the permanent civil service of Her Majesty, and shall be entitled as such to a pension in the same manner and on the same terms and conditions as the other permanent civil servants*  
15 *of Her Majesty are entitled to pensions.*

13. There shall be attached to every district court such and so many registrars and other ministerial officers and clerks as may from time to time be determined by the Lord Chancellor, with the advice of the respective judges of such courts, and with the  
20 sanction of the Treasury. The registrars and other officers and clerks shall be appointed by the judge, or senior judge of the the district court within the circuit of which any such appointment is to be made, and may be removed by any such judge, if they are negligent or unskilful in the performance of their duties, or if in  
25 his opinion they ought to be removed for any other just cause. The registrars shall be solicitors of the Supreme Court, but shall cease to practise on being appointed. They shall be capable of performing all such official or ministerial acts and duties for or on behalf of the district registrars of the courts to which they are  
30 respectively attached, as may from time to time be assigned to them by any special order of the court, or of a judge thereof.

*Subject to the provisions of this Act with respect to existing registrars, the salaries of the registrars and other officers and clerks appointed under this Act to the district courts shall be fixed,*  
35 *and may from time to time be revised, by the Treasury, with the advice of the respective judges of such courts; and such salaries shall be paid, out of moneys to be provided by Parliament, to the persons respectively entitled thereto, in such manner as the Treasury may from time to time determine.* Their salaries.

40 To each of the district judges there shall be attached a personal clerk, who shall receive a salary of *two hundred pounds a year*, and who shall be appointed and removable by such judge at pleasure. Every such clerk shall be required, when in attendance on such judge, to discharge without further remuneration the duties of usher  
45 or crier in court. Judges clerks.

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Registrars  
of county  
courts within  
circuits to be  
transferred  
or attached  
to district  
courts.

14. *From and after the commencement of this Act*, the registrars of the county courts holden at the places where by or by virtue of this Act district courts are constituted shall respectively be transferred to such district courts, and become and be registrars thereof; and the registrars of the county courts within the district 5 court circuits constituted under this Act shall be registrars of such county courts, and shall respectively be attached to the district courts within the circuits of which their respective courts are situate, and be subject to the jurisdiction and authority of the respective judges of such courts, unless any such registrar shall be 10 appointed to the office of a district registrar under this Act.

Provision for  
executing  
office of high  
bailiff.

15. Provision shall be made for executing the office of high bailiff in the second divisions of the district courts, and at the county courts within the respective circuits thereof, in such manner as may from time to time be determined by the Lord Chancellor, with 15 the advice of the respective judges of such courts, and with the sanction of the Treasury.

Saving as  
to existing  
registrars  
and officers  
of county  
courts within  
circuits.

16. The existing registrars, high bailiffs, and other officers holding offices in the county courts within the district court circuits constituted under this Act shall continue to discharge their existing 20 duties, or duties analogous thereto, and shall hold their offices and receive the salaries and other emoluments to which they are respectively entitled upon the same terms and subject to the same conditions as heretofore; but so that the duties by virtue of this Act to be performed by the registrars and other officers at the district 25 courts, in chambers, and in the district registries and offices thereof, and at the county courts within the respective circuits thereof, shall be performed by the existing registrars and other officers in such manner as may be prescribed, or may from time to time be directed by any special order of the court, or of a judge thereof. 30

Gradual  
supersession  
of registrars  
of county  
courts with-  
in circuits.

On vacancy,  
duties to be  
discharged  
by district  
registrars.

Qualifying  
proviso.

17. Subject to the proviso herein-after contained, *from and after the passing of this Act*, vacancies in the office of registrar of any county court comprised within a district court circuit shall not be filled up. On the occurrence of any such vacancy, all the ministerial duties of the vacating registrar, including the superintendence 35 of the office of the vacated court, and the staff of clerks therein, shall be discharged by the district registrars for the time being attached to the district court within the circuit of which such vacancy occurs, in such manner as may be determined by the district judge or senior district judge acting in such circuit. Pro- 40 vided, nevertheless, that it shall be lawful for the Lord Chancellor, whenever any such vacated court shall be a court having jurisdiction in bankruptcy, or shall, from its size or other circumstances, appear to require a separate registrar, by order under his hand to

discharge the duties of registrar of such court; and thereupon a registrar shall be appointed thereto upon the same terms and conditions as to salary, qualification, and otherwise, and in the same manner, as the registrars of district courts are appointed under the provisions of this Act. A.D. 1880.

18. The district registrars and other officers attached to the district courts under the provisions of this Act shall be deemed to be officers of the Supreme Court of Judicature, and shall be subject accordingly to the jurisdiction and authority of such court, and of the divisions thereof. Officers of district courts to be officers of Supreme Court.

### PART III. JURISDICTION.

19. Subject to the provisions of this Act, and to the rules of court to be made in pursuance of this Act, all actions and proceedings which can be brought or taken in the High Court of Justice, or in a county court, may be brought or taken in a district court; and every district court shall have jurisdiction and authority to hear and determine the same, if the defendant or one of the defendants dwells or carries on business, or has within *six calendar months* next before the time of commencing any such action or proceeding dwelt or carried on business, within the circuit thereof; or if the cause of action or of the proceeding arose, wholly or in part, within the circuit thereof; or if the hereditament, or the fund, or the vessel or property sought to be affected by any such action or proceeding, or to which any such action or proceeding relates, or the estate, real or personal, sought to be administered by the court, is within the jurisdiction of the court; or if the parties to any such action or proceeding consent to a district court having jurisdiction therein: Provided, that whenever in any such action or proceeding the demand in respect of any debt or damages, or the relief, right, matter, or thing claimed exceeds in amount or value *three hundred pounds* after giving credit for any admitted payment, set-off, or counter-claim, or where the hereditament, or the fund, or the vessel or property sought to be affected by any such action or proceeding, or to which any such action or proceeding relates, or the estate, real or personal, sought to be administered by the court, exceeds in amount or value *two thousand pounds*, no district court shall have authority to determine the same, or to grant any relief or redress therein, if any party thereto objects to the jurisdiction of the court. Jurisdiction of district courts in common law, equity, and admiralty actions.

No objection to the jurisdiction of the court shall be allowed by reason of any defendant pleading a set-off or counter-claim exceeding in amount or value *three hundred pounds*, nor shall any such defence affect the competence or the duty of the court to determine Defendant may object as of right to jurisdiction in certain cases.

Effect of pleading set-off or counter-claim beyond certain limits.



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the matter in controversy between the parties, so far as relates to the demand of the plaintiff and the defence thereto; but no relief or redress exceeding that sum in amount or value shall, if any party thereto objects to the jurisdiction of the court, be given by a district court upon any such set-off or counter-claim. 5

Jurisdiction excluded.

No district court shall have jurisdiction to entertain any divorce or matrimonial cause; nor, except by consent, any cause affecting the rights of the Crown.

Actions may be removed into High Court from district court.

20. Subject to rules of court, any party to any action or proceeding brought or taken in a district court, which involves matter 10 beyond the jurisdiction by this Act conferred on district registrars, may apply at any time, on any reasonable grounds, to the High Court of Justice or to a judge thereof, for leave to remove such action or proceeding into a division of the said High Court; and if, upon cause shown, it appears to such court or judge that the action 15 or proceeding is a proper one to be removed, or that, for some special reason, it ought to be heard and determined in a division of the High Court of Justice, or by a judge thereof, such court or judge may order its removal accordingly, upon such terms as to payment of money into court, or giving security or otherwise, as such court or 20 judge shall think just; and may by any such order direct at what stage in the action or proceeding the proceedings in the said High Court shall commence, and the same shall thenceforth be continued and prosecuted in the division of the said High Court named in such order, as if they had been originally commenced therein. 25

Actions may be removed from High Court into district court.

21. Subject to rules of court, any party to any action or proceeding, not being a divorce or matrimonial cause, brought or taken in a division of the High Court of Justice, may apply at any time, on any reasonable grounds, to the court or to a judge thereof, for leave to remove such action or proceeding into a district court. If, 30 upon cause shown, it appears to such court or judge that the action or proceeding ought not to be removed, such court or judge may order that it be retained in the division of the said High Court in which it was commenced, upon such terms as to payment of money into court, or giving security or otherwise, as such court or judge 35 shall think just. If such court or judge is of opinion that the action or proceeding can conveniently be disposed of in a district court, such court or judge may order its removal accordingly, and the same shall thenceforth be continued and prosecuted in the district court named in such order, as if it had been originally com- 40 menced therein, but no objection by any party thereto shall in such case be allowed to be taken to the jurisdiction of the court.

Issues may be sent for trial to district court.

22. Subject to rules of court, the High Court of Justice, or any judge thereof, may at any time in their or his discretion, order that any question or issue of fact arising in the course of any action or 45

proceeding pending therein be sent for trial to a district court; and the trial of such issue shall be had accordingly, either with or without a jury, or with or without assessors, as may be directed in any such order; and the decision or finding thereon shall be  
5 certified to the High Court of Justice in such manner as may be prescribed.

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23. Every district court shall be a local court of bankruptcy; and the circuit thereof, as constituted under the provisions of this Act, shall be the district of the court for the purposes of its bank-  
10 ruptcy jurisdiction.

Jurisdiction of district courts in bankruptcy.

Save as by this Act, or by the rules of court, is expressly directed, nothing herein or in the rules of court shall apply to proceedings in bankruptcy, or affect the general rules in force under the Bank-  
ruptcy Act, 1869, or any order made by virtue of that Act.

Act not to apply to bankruptcy, save as expressly provided.

24. Every district judge shall, in respect of all actions and proceedings, and of all motions and applications to the court, brought or taken, or made or arising within the district court circuit in which he is for the time being acting, have and exercise all the powers, jurisdiction, and authority of a judge of the High Court  
15 of Justice, and of a judge of county courts, subject nevertheless to the direction and review of the Supreme Court, and of the divisions thereof, in the manner provided by this Act.

Jurisdiction of district judges in common law, equity, and Admiralty actions.

Every district judge shall, in respect of all proceedings pending within the district court circuit in which he is for the time being  
25 acting, have and exercise in chambers the same powers and jurisdiction as might be had and exercised in chambers in respect of proceedings pending before him by a judge of the High Court of Justice.

Jurisdiction in chambers

Every district judge shall be a judge of a local court of bank-  
ruptcy, and as such shall be empowered and shall be liable to  
30 exercise and perform within the district court circuit in which he is for the time being acting every jurisdiction, power, and duty conferred or imposed on any such judge by the Bankruptcy Act, 1869, under such regulations as may from time to time be prescribed.

Jurisdiction in bankruptcy.

25. Her Majesty may insert the name of any district judge in  
35 any commission of assize or other commission, whether general or special, for the discharge of civil or criminal business, on circuit or otherwise; and every district judge whose name shall be so inserted in any such commission shall be qualified to act therein, and shall dispose of such civil and criminal business as may be assigned to  
40 him by the senior judge of assize.

District judges qualified to act as commissioners of assize.

Every district judge shall be qualified to be appointed to the office of a judge of the High Court of Justice.

Qualified to be judges of High Court. Disqualified for other offices or employments.

No district judge shall sit in the House of Commons, or hold any

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Jurisdiction  
of district  
registrars in  
court.

Limitation of  
jurisdiction.

Powers in  
chambers.

Powers in  
district  
registries.

Powers in  
bankruptcy.

26. Subject to the provisions of this Act, and to the rules of court, the jurisdiction conferred on the judges of county courts by the County Courts Act, 1846, and the several Acts amending the same, or by any Act of Parliament relating to the said courts and judges, may be exercised in open court, within the district court circuits in which they are respectively acting, by the district registrars appointed under this Act; and the said Acts shall be construed and shall take effect and apply, so far as relates to anything done or to be done after the commencement of this Act, and so far as the same may be respectively applicable, to the said district registrars as if they had been originally named therein. Provided that such jurisdiction shall not be exercised by any such district registrar in any action in which the claim exceeds *twenty pounds*, or in which a *bonâ fide* defence by way of set off or counter claim exceeding *twenty pounds* is set up, or in any proceeding to obtain an order of commitment on a judgment summons in which the amount claimed under the judgment exceeds *twenty pounds*, or in any action or proceeding in which any relief or redress other than or in addition to the payment of a money demand is claimed, if any party thereto objects to the jurisdiction of the court.

Subject as aforesaid, the district registrars appointed under this Act may adjudicate upon and certify in chambers, or at any county court within the district court circuits in which they are respectively acting, all such interlocutory or other applications and matters arising in the course of any action or proceeding pending therein, as might, if the action or proceeding were pending in the High Court of Justice, be adjudicated upon or certified in chambers by a master, registrar, chief clerk, or other officer of the said High Court.

The district registrars shall, within the district court circuits in which they are respectively acting, be empowered and shall be liable to perform and exercise every duty and power imposed or conferred on district registrars by the Supreme Court of Judicature Act, 1873, under such regulations as may from time to time be made by rules of court.

The powers authorised by the Bankruptcy Act, 1869, to be exercised by the registrars of county courts having jurisdiction in bankruptcy, by delegation from the judge of any local bankruptcy court, may be exercised in like manner, within the district court circuits in which they are respectively acting, by the district registrars appointed under this Act.

PART IV.

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SITTINGS AND TRIAL.

27. The district judges may from time to time make such regulations as they shall think fit for the convenient despatch of the business of their respective courts. They shall, within the district court circuits in which they are respectively for the time being acting, sit in court and in chambers, as occasion may require, at the several places at which by or by virtue of this Act district courts are constituted, at such times or intervals as may from time to time be prescribed by rules of court.

Sittings at district courts. Sittings in chambers.

All actions and proceedings, and all motions and applications which involve matter beyond the jurisdiction by this Act conferred on district registrars, shall be heard and determined, in court or in chambers, by a district judge at the sittings of the district court within the circuit of which any such action or proceeding, or motion, or application shall be brought or taken, or be made or arise, or at such other place, within or without the circuit of such judge, as he shall for any special reason appoint.

Actions and proceedings to be heard at district courts, or in chambers.

No district judge shall be required to sit in court or in chambers between the *fifteenth day of August* and the *fifteenth day of October*.

Vacation of district judges.

28. Any judge of the High Court of Justice may sit and act for any district judge, and any district judge may sit and act for any other district judge, within or without the circuit of such judge.

Judges may sit and act for district judges.

Every district judge shall be liable to be assigned to sit and act, and, upon the request of the Lord Chancellor, shall sit and act in any district court circuit or circuits other than his own, in such order or rotation, and for such time or times as shall be assigned in any such request.

Provision for rotation of circuits of district judges.

The Lord Chancellor may, by order under his hand, appoint any sergeant-at-law or counsel learned in the law, who shall consent thereto, to sit and act as deputy judge for or on behalf of any district judge, who may require leave of absence from illness or other cause, or whose office may become vacant; and every such deputy judge shall, while so sitting and acting, have and exercise for the purposes of this Act all the powers of a district judge.

Provision for deputy judge in case of absence or vacancy in office of district judge.

29. Subject to rules of court, the district registrars appointed under this Act shall, within the district court circuits in which they are respectively acting, hold sittings at every district court, and at every county court comprised within the circuit thereof, in the same manner as the sittings at those places have hitherto been holden by the county court judges, and shall dispose of all such actions and proceedings as may be entered for trial before them respectively in the second divisions of such district courts, and in such county courts, at such times or intervals as may from time to

Sittings of district registrars in court. Attendance in district registries, and in chambers.

A.D. 1880. time be prescribed. They shall, when not sitting in their respective courts or travelling on circuit, attend, as circumstances may require, at the district registries or in chambers at the district courts to which they are respectively attached, and there perform such duties as may be prescribed, or may from time to time be assigned to them by any special order of the court, or of a judge thereof. 5

Proceedings before district registrar may be remitted to judge in certain cases.

If, in any action or proceeding brought or taken before a district registrar, the question to be determined appears a proper one for the decision of a judge, the district registrar may, although the matter be within his jurisdiction, upon the application of any party thereto, at any stage of the proceedings remit the same, together with a note of the question to be determined therein, to a judge of the district court to which such registrar is attached; and the judge may either dispose of it, or refer it back to the district registrar with such directions as he shall think fit. 10 15

Vacation of district registrars.

No district registrar shall be required to sit, or perform his prescribed duties in person, during *the month of September*, or such other equivalent period in every year as the Lord Chancellor may from time to time in any case direct.

## PART V.

20

### APPEALS.

Appeals from district courts in common law, equity, and admiralty actions.

30. The several provisions herein-after contained shall apply to appeals from district courts in all actions and proceedings which involve matter beyond the jurisdiction by this Act conferred on the district registrars. 25

1. An appeal shall lie from the judgment or order of a district judge, in any such action or proceeding as aforesaid, to the High Court of Justice, and from that court to the Court of Appeal, under such regulations as may from time to time be made by rules of court. 30
2. All appeals shall be by way of rehearing, and shall be brought by notice of motion in a summary way. The appellant may by his notice of motion appeal from the whole or any part of any judgment or order; and the notice of motion shall state whether the whole or part only of such judgment or order is complained of, and in the latter case shall specify what part. 35
3. An appeal shall not operate as a stay of execution, except by order of the judge from whom the appeal proceeds, or of the appellate court to which the appeal shall immediately lie; and any such order may be made upon such terms as to payment of money into court, or giving security or otherwise, as to such judge or to such court may appear just. 40
4. No appeal shall be brought after the expiration of *twenty-one days*, to be computed from the date of the delivery of the

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- judgment or order appealed from, or in case of the dismissal or refusal of any motion or application, from the date of such dismissal or refusal, unless by special leave of the appellate court to which such appeal shall immediately lie ;
- 5 but if such period of twenty-one days expires during any vacation of the High Court of Justice, an appeal may be brought at any time before the expiration of the *fourth day* of the sittings of the appellate court next after the termination of such vacation.
- 10 5. When in any appeal the judgment or order complained of involves any question of law, the parties may concur in stating for the opinion of the appellate court the question or questions of law arising thereon, or the court, or a judge thereof, upon application made in chambers in a summary
- 15 way may direct the same to be stated, in the form of a special case, setting forth concisely such facts and documents as may be necessary to enable the said court to decide the question or questions raised thereby.
- 20 6. Upon the argument of any such special case, the appellate court and the parties shall be at liberty to draw from the facts and documents stated therein any inference, whether of law or fact, which might have been drawn therefrom at the hearing in the court of first instance.
- 25 7. When any question of fact is involved in an appeal, the evidence taken in the court below shall be brought before the appellate court in such manner as may be prescribed, or may be directed by any special order of the said court.
- 30 8. In appeals under this Act the appellate court shall have all the powers and duties, as to amendment and otherwise, of the court of first instance, including power to enter any judgment, or make any order, which ought to have been entered or made by that court, or to make such further or other order as the nature of the case may require.

31. Any action or proceeding heard and determined by a district registrar may, upon the application of any party dissatisfied with the judgment or order made therein, and upon such terms as to payment of money into court, or giving security or otherwise, as may be directed by any special order of the court, or of a judge thereof, be reheard by a judge of the district court to which such

35 district registrar is attached ; and his decision shall be final, unless such judge shall give leave to appeal.

Rehearings  
of cases  
heard by  
district  
registrars.

32. Any solicitor of the Supreme Court may appear and be heard, as well in court as in chambers, in any district court, without being required to employ counsel.

Solicitors  
may appear  
and be heard.

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Court fund.  
Fees to be  
taken by  
district  
registrars.

**33.** The Lord Chancellor, with the sanction of the Treasury, may by order fix, and from time to time revise, a table of fees to be taken by the district registrars in respect of proceedings under this Act in the district courts, and in the district registries and offices thereof. Such fees shall be collected by stamps, denoting in each 5 case the amount of the fee payable, or received in money, as may be directed in any such order. The provisions of the Courts of Justice (Salary and Funds) Act, 1869, as to fees to be taken by stamps, shall apply to the fees to be collected by stamps in respect 10 of proceedings under this Act.

Until such a table of fees is authorised, the fees in respect of proceedings in the first divisions of the district courts, and in the district registries and offices thereof, shall be the fees authorised to be taken in the existing district registries of the High Court of Justice in respect of the same or analogous proceedings; and 15 the fees in respect of proceedings in the second divisions of the district courts shall be the fees authorised to be taken in the county courts in respect of the same or analogous proceedings.

Orders and  
rules of  
court to be  
framed.

**34.** Orders and Rules of Court shall be made, and may from 20 time to time be revised or amended by the authority duly constituted for making orders and rules of court of the Supreme Court of Judicature, for regulating the sittings of the district judges, and of the district registrars; and for distributing the business in the first and second divisions of the district courts, and in the district 25 registries thereof; and for regulating the practice in the district registries in relation to actions and proceedings brought or taken therein, whether intituled in any division of the High Court of Justice, or, as the case may be, in any district court; and for regulating the practice in relation to the removal of actions and proceedings from 30 any division of the High Court of Justice to the district courts, and from the district courts to any division of the High Court of Justice; and in relation to appeals under this Act; and generally for regulating any matters relating to the procedure and practice of the said courts, or to the duties of the officers thereof, or to the costs of proceedings therein, in such manner as may be necessary 35 for giving full effect to the provisions of this Act.

The procedure and practice of the said courts shall be of a simple kind. No formal pleadings shall be allowed in any action or proceeding originally brought or taken in a district court, unless by leave of a judge thereof upon application made in chambers in a 40 summary way. Every such action and proceeding shall be commenced by a writ of summons with particulars of demand indorsed thereon or annexed thereto, or by a petition,—in either case setting forth the nature of the claim, and the relief or redress sought therein.

Subject as aforesaid, and except so far as may from time to time be otherwise expressly prescribed by such orders and rules of court, the procedure and practice in actions and proceedings brought or taken in or transferred to the first divisions of the district courts shall, so far as the same are respectively applicable, be regulated by the orders and rules of court for the time being in force under the Supreme Court of Judicature Acts, 1873 and 1875; and the allowances of costs set forth in the column headed "Lower Scale" in the schedule to the "Additional Rules of Court under the Supreme Court of Judicature Act, 1875," shall, so far as the same are respectively applicable, be in use and apply to all such actions and proceedings.

Except so far as may from time to time be otherwise expressly prescribed by such orders and rules of court the procedure and practice, and the allowances of costs, in actions and proceedings brought or taken in or transferred to the second divisions of the district courts shall be regulated by the orders, rules, and scales of costs for the time being in force for regulating the procedure and practice of the county courts.

35. Nothing in this Act shall affect any action or proceeding commenced *before the commencement of this Act.*

Saving of existing actions.

36. For the purpose of enabling the provisions of this Act to be carried into effect without delay, it shall be lawful for the Lord Chancellor to offer to any judges of county courts, not exceeding ten in number, who shall be willing to retire, pensions by way of annuity to be continued during their respective lives, equal to the full salary to which judges of county courts are now by law entitled, and the Treasury is hereby authorised to pay the same: but no such pension shall exceed the sum of fifteen hundred pounds a year.

Power to Lord Chancellor to offer ten judges of county courts retiring pensions.

37. If, for the purpose of carrying into effect the provisions of this Act, and in order to make way for the formation of the new circuits, the Lord Chancellor shall deem it necessary to exercise the power vested in him of removing any judge of county courts from the circuit of which he is the judge, and in or in the neighbourhood of which he resides, and of appointing him to any other circuit, it shall be lawful for the Treasury to allow and pay to every judge so removed, by way of compensation for the expenses attendant on his removal, such sum as may in each case be considered just.

Power to Treasury to compensate judges removed to make way for new circuits.

38. This Act shall come into operation on the second day of November next after the passing thereof, except as to the fourth paragraph of section seven, and section seventeen, as to which paragraph and section it shall come into operation immediately on the passing thereof; and this Act may be cited as the Supreme Court of Judicature (District Courts) Act, 1880.

Commencement of Act.

Short title of Act.



A.D. 1880.

SCHEDULE.

District Courts.	District Court Circuits.
<p>It is proposed that Liverpool and Manchester shall form a consolidated circuit under three judges.</p> <p>LIVERPOOL AND MANCHESTER.</p>	<p>In the County Court of Lancashire: The county courts holden at Bacup, Bolton, Bury, Oldham, and Rochdale, comprised in Circuit 5; the county courts holden at Ormskirk and Southport, and St. Helens, comprised in Circuit 6; the county courts holden at Leigh, Warrington, and Wigan, comprised in Circuit 7; the county court holden at Salford, comprised in Circuit 8; the county court holden at Ashton-under-Lyne, comprised in Circuit 9; and the respective districts of such courts, and of the county courts holden at Liverpool and Manchester, respectively comprised in Circuits 6 and 8. 5 10</p> <p>In the County Court of Cheshire: The county courts holden at Altrincham, Birkenhead, Northwich, and Runcorn, comprised in Circuit 7; the county courts holden at Hyde and Stockport, comprised in Circuit 9; and the respective districts of such courts. 15</p>
<p>It is proposed that Leeds and Bradford shall have two judges.</p> <p>LEEDS AND BRADFORD.</p>	<p>In the County Court of Lancashire: The county courts holden at Burnley and Colne, comprised in Circuit 11; and the respective districts of such courts. 20</p> <p>In the County Court of Yorkshire: The county courts holden at Keighley, Otley, and Skipton, comprised in Circuit 11; the county courts holden at Dewsbury, Halifax, Holmfirth, Huddersfield, Saddleworth, and Todmorden, comprised in Circuit 12; the county court holden at Wakefield comprised in Circuit 14; the county courts holden at Barnsley, Goole, and Pontefract, comprised in Circuit 16; and the respective districts of such courts, and of the county courts holden at Bradford and Leeds, respectively comprised in Circuits 11 and 14. 25</p>
<p>It is proposed that Newcastle and Durham shall have one judge.</p> <p>NEWCASTLE AND DURHAM.</p>	<p>In the County Court of Northumberland: The county courts holden at Alnwick, Belford, Bellingham, Berwick, Hexham, Morpeth, North Shields, Rothbury, and Wooler, comprised in Circuit 1; and the respective districts of such courts, and of the county court holden at Newcastle-on-Tyne, comprised in Circuit 1. 30</p> <p>In the County Court of Durham: The county court holden at Gateshead, comprised in Circuit 1; the county courts holden at Bishop Auckland, Hartlepool, Seaham Harbour, Shotley Bridge, South Shields, Sunderland, and Wolsingham, comprised in Circuit 2; the county courts holden at Barnard Castle and Darlington, comprised in Circuit 15; and the respective districts of such courts, and of the county court holden at Durham, comprised in Circuit 2. 35 40</p>
<p>It is proposed that York, Hull, and Stockton shall have one judge.</p> <p>YORK, HULL, AND STOCKTON.</p>	<p>In the County Court of Durham: The district of the county court holden at Stockton-on-Tees comprised in Circuit 15. 45</p> <p>In the County Court of Yorkshire: The county courts holden at Easingwold, Helmsley, Knaresborough, Leyburn, Middlesborough, Northallerton, Richmond, Ripon, Stokesley, Tadcaster, and Thirsk, comprised in Circuit 15; the county courts holden at Beverley, Bridlington, Great Driffield, Hedon, Howden, New Malton, Pocklington, Scarborough, Selby, and Whitby, comprised in Circuit 16; and the respective districts of such courts, and of the county courts holden at York and Kingston-upon-Hull, respectively comprised in Circuits 15 and 16. 50</p>

NOTE.—This schedule is based upon the figures of Mr. Norwood's County Court Return, Parliamentary Paper 221, session 1878, and upon the existing county court districts. It is intended as a specimen. It is therefore open to re-arrangement in any way that may be deemed expedient. It may be extended, as vacancies occur, so as to include the entire county court system in England and Wales, if such extension be considered desirable. 55

A.D. 1880.

District Courts.		District Court Circuits.		A.D. 1880.
5	SHEFFIELD, NOTTINGHAM, AND DERBY.	In the County Court of Yorkshire: The county courts holden at Glossop and Rotherham, comprised in Circuit 13; the county courts holden at Doncaster and Thorne, comprised in Circuit 18; and the respective districts of such courts, and of the county court holden at Sheffield, comprised in Circuit 13.		It is proposed that Sheffield, Nottingham, and Derby shall have one judge.
10		In the County Court of Nottinghamshire: The county courts holden at Bingham, East Retford, Mansfield, Newark, and Worksop, comprised in Circuit 18; and the respective districts of such courts, and of the county court holden at Nottingham, comprised in Circuit 18.		
15		In the County Court of Derbyshire: The county courts holden at Alfreton, Ashbourne, Bakewell, Belper and Ilkeston, Chapel-en-le-Frith and Buxton, Chesterfield, and Wirksworth, comprised in Circuit 19; and the respective districts of such courts, and of the county court holder at Derby, comprised in Circuit 19.		
20		In the County Court of Staffordshire: The county court holden at Burton-on-Trent, comprised in Circuit 19; and the district of such court.		
25	BIRMINGHAM AND WOLVER- HAMPTON.	In the County Court of Warwickshire: The county courts holden at Atherstone and Tamworth, comprised in Circuit 21; the county court holden at Solihull, comprised in Circuit 22; and the respective districts of such courts, and of the county court holden at Birmingham, comprised in Circuit 21.		It is proposed that Birmingham and Wolverhampton shall have one judge.
30		In the County Court of Worcestershire: The county court holden at Redditch, comprised in Circuit 22; the county court holden at Dudley, comprised in Circuit 23; and the respective districts of such courts.		
35	BRISTOL AND GLOUCESTER.	In the County Court of Staffordshire: The county courts holden at Oldbury and Walsall, comprised in Circuit 25; and the respective districts of such courts, and of the county court holden at Wolverhampton, comprised in Circuit 25.		It is proposed that Bristol and Gloucester shall have one judge.
40		In the County Court of Gloucestershire: The county court holden at Chipping Sodbury, comprised in Circuit 52; the county courts holden at Cheltenham, Cirencester, Dursley, Newent, Newnham, Northleach, Stroud, Tewkesbury, Thornbury, and Winchcomb, comprised in Circuit 53; and the respective districts of such courts, and of the county courts holden at Gloucester and Bristol, respectively comprised in Circuits 53 and 54.		
45		In the County Court of Somersetshire: The county courts holden at Bath, Frome, and Temple Cloud, comprised in Circuit 52; the county courts holden at Axbridge, Wells, and Weston-super-Mare, comprised in Circuit 54; and the respective districts of such courts.		
		In the County Court of Wiltshire: The county courts holden at Bradford-on-Avon, Trowbridge, Calne, Chipperham, Devizes, Melksham, Warminster, and Westbury, comprised in Circuit 52; the county court holden at Malmesbury, comprised in Circuit 53; and the respective districts of such courts.		

## Supreme Court of Judicature (District Courts).

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## B I L L

To amend and extend the Supreme Court of Judicature Acts, 1873 and 1875, and to make provision for the better local Administration of Justice in England.

*(Prepared and brought in by  
Mr. Joseph Cowen, Sir Baldwyn Leighton, Mr.  
Rowley Hill, and Mr. Eustace Smith.)*

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*Ordered, by The House of Commons, to be Printed,  
2 June 1880.*

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[Bill 202.]

*Under 3 oz.*

















